November 25, 2025

FCC FACT SHEET*

Amendment of the Commission's Rules to Advance the LPTV, TV Translator and Class A Television Service

Report and Order (*R&O*) – MB Docket No. 24-148+

Background: The *R&O* adopts revisions to the Commission's rules relating to the Class A television, Low Power TV (LPTV), and TV Translator stations. The Commission created the LPTV Service to bring local television service to viewers "otherwise unserved or underserved" by existing full power stations. Today, the LPTV Service is an established component of the nation's television system, delivering free over-the-air TV service, including locally produced programming, to millions of viewers in rural and discrete urban communities. The *R&O* adopts changes to our rules in order to provide regulatory certainty and clarity, streamline processes, create a level playing field, and ultimately ensure the LPTV Service continues to flourish and serve the public interest long into the future.

What the *R&O* Does:

- Updates how relocation distances are calculated for displaced and channel sharing LPTV/TV translators stations.
- Establishes a uniform maximum relocation distance for all minor modification applications.
- Establishes a formal method for LPTV Service stations to specify a community of license.
- Requires stations in the LPTV Service to utilize a call sign that matches their service designation (existing LPTV/Class A call signs are "grandfathered").
- Establishes a formal process for LPTV Service stations to change their service designation.
- Clarifies what EAS equipment must be installed by LPTV stations.
- Clarifies the video program responsibilities of LPTV/TV translators.
- Revises and expands the displacement rule to clearly enumerate the circumstances that qualify LPTV/TV translator stations for displacement and eliminate the displacement public notice period.
- Updates technical rules to help prevent interference.
- Removes obsolete rules.
- Permits LPTV/TV translator channel sharing stations to apply for their own channels.
- Declines to adopt new LPTV minimum operating hours; limit community of license changes; restrict service designation changes; or limit applicants' ability to round distance calculations.

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* This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in MB Docket Nos. 24-148, which may be accessed via the Electronic Comment Filing System (https://www.fcc.gov/ecfs/). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR § 1.1200 *et seq*. The *NPRM* contained a companion proceeding, MB Docket No. 24-147, that concerned the political programming and online public file requirements for LPTV stations. The *R&O* takes no action on the proposals in that docket.

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules to	)	MB Docket No. 24-148
Advance the Low Power Television, TV Translator	)	
and Class A Television Service	)	

REPORT AND ORDER*

Adopted: [] **Released: []**

By the Commission:

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* This document has been circulated for tentative consideration by the Commission at its December 18, 2025 open meeting. The issues referenced in this document and the Commission's ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission's ex parte rules apply and presentations are subject to "permit-but-disclose" ex parte rules. *See, e.g.,* 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR §§ 1.1200(a), 1.1203.

I. INTRODUCTION

1. In this *Report and Order* (*R&O*), we adopt certain changes to our rules for the Low Power Television Service (LPTV Service)[1] as proposed in the Notice of Proposed Rulemaking adopted by the Commission in June 2024 in the above captioned proceeding.[2] The Commission created the LPTV Service in 1982 to bring local television service to viewers "otherwise unserved or underserved" by existing full power television service providers.[3] Today, these stations are an established component of the nation's television system, delivering free over-the-air TV service, including locally produced programming, to millions of viewers in both rural and urban communities. In light of changes within the broadcast industry and LPTV Service over the last forty years, we adopt changes to our rules to ensure that the LPTV Service continues to flourish and serve the public interest long into the future.

[1] The LPTV Service includes low power television (LPTV) stations as well as television translator (TV translator) stations and Class A TV stations (Class A). Each of these services and their differences are described in greater detail below. *See infra* paras. 3-4. In this *R&O*, we will at times refer to LPTV stations only, and when we refer to LPTV and TV translator stations collectively we will use the term "LPTV/TV translator stations." When referring to all three station types collectively, we will use the term "LPTV Service." We note that TV translator stations also include digital replacement translators (DRTs) or digital-to-digital replacement translators (DTDRTs). A DRT is a TV translator station licensed to a full power television station that allows it to restore service to any loss areas that may have occurred as a result of its transition from analog to digital. *See* 47 CFR § 74.701(c). A DTDRT is a TV translator station licensed to a full power television station that allows it to restore service to any loss areas that may have occurred as a result of the station being assigned a new channel pursuant to the Incentive Auction and repacking process. *See* 47 CFR § 74.701(d). Because certain part 74 rules also apply to Class A stations, some of the rule changes contained in this *R&O* may also affect Class A stations.

[2] *See Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, MB Docket Nos. 24-148, Notice of Proposed Rulemaking, 39 FCC Rcd 6318 (2024) (*NPRM*). A list of the parties that filed comments in this proceeding including short-hand name references are included in App. A. The *NPRM* contained a companion proceeding, MB Docket No. 24-147, that concerned the political programming and online public file requirements for LPTV stations. We take no action today on the proposals in that docket. *See NPRM*, 39 FCC Rcd at 6323-39, paras. 8-36.

[3] *See Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System*, Notice of Proposed Rulemaking, BC Docket No. 78-253, 45 FR 69178, para. 1 (Oct. 17, 1980) (*LPTV NPRM*); *Low Power Television Service*, Report and Order, BC Docket No. 78-253, 51 RR 2d 476 (1982) (*LPTV Order*), *reconsideration granted in part*, 48 Fed. Reg. 21478 (1983); *Establishment of a Class A Television Service*, Report and Order, 15 FCC Rcd 6355, 6357, para. 1 (2000) (*Class A Order), reconsideration granted in part*, 16 FCC Rcd 8244 (2001). The LPTV Service is considered a "secondary" service. This means that LPTV/TV translators, may not cause interference to, and must accept interference from, full power television stations as well as certain land mobile radio operations and other primary services. *See LPTV Order*, 51 RR 2d at 479, para. 17. As a result of their secondary status, LPTV/TV translator stations can also be displaced by full power stations that seek to expand their service area, or by new full power stations seeking to serve the same area as existing LPTV/TV translator stations.

II. BACKGROUND

2. The LPTV Service was established over forty years ago as a secondary, niche service delivering free over-the-air television service, including locally produced programming, to viewers in rural and discrete urban communities.[4] With this goal in mind, it was exempted from certain obligations applicable to full power television broadcasters, including certain recordkeeping and operating obligations.[5] Because stations in the LPTV Service are licensed on available channels found between full service television allocations,[6] they are authorized at lower power levels and serve smaller geographic areas.[7] While the type of stations that comprise the LPTV Service (LPTV, TV translator, and Class A) have many similarities under our rules, they are each a distinct class of broadcast television station, with differing rights and responsibilities. Currently, there are approximately 1,759 licensed LPTV stations, 3,096 licensed TV translators, and 397 licensed Class A stations.[8]

3. LPTV stations operate in all states and territories and are permitted to both originate programming, or with permission, retransmit the signal of another TV station.[9] While many LPTV stations air "niche" programming, which is sometimes locally produced, others are affiliated with a television network, including the top four networks (ABC, CBS, Fox, and NBC).[10] TV translators primarily operate in the western regions of the United States and often deliver the only over-the-air television service to rural communities.[11] With limited exception, TV translators may only simultaneously retransmit the signal of another TV station, with permission.[12] The primary use of TV translator stations are to provide service to areas where direct reception of full-service television stations is unsatisfactory or not possible because of distance or intervening terrain obstructions.[13] TV translators are not limited to operation within the contour of the station or stations they rebroadcast.[14] Both LPTV and TV translator stations are secondary and may not cause interference to, and must accept interference from, full power television stations, as well as certain land mobile radio operations and other primary

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[4] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No, 03-185, Report and Order, 19 FCC Rcd 19331, 19333, para. 3 (2004) (*LPTV DTV First R&O*).

[5] *Id.*

[6] *See* 47 U.S.C. § 307(b); *LPTV Order*, 51 RR 2d at 478, para. 14; *LPTV DTV First R&O*, 19 FCC Rcd at 19333, para. 3.

[7] LPTV/TV translator stations may radiate up to 3 kilowatts of power for stations operating on the VHF band (channels 2 through 13), and 15 kilowatts of power for stations operating on the UHF band (channels 14 through 36). 47 CFR § 74.735(b). By comparison, digital full power stations radiate up to 45 kilowatts of power on VHF channels 2 through 6, 160 kilowatts of power on VHF channels 7 through 13, and up to 1,000 kilowatts of power on UHF channels. 47 CFR § 73.614(b). LPTV/TV translator signals typically extend approximately 20 to 40 miles from a station's transmission site, while the signals of full power stations can reach as far as 60 to 80 miles. *See Class A Order*, 15 FCC Rcd at 6357, n.4.

[8] *Broadcast Station Totals as of September 30, 2025*, Public Notice, DA 25-964 (rel. Nov. 25, 2025). This includes both UHF and VHF stations.

[9] 47 CFR §§ 74.784, 74.790.

[10] *See Class A Order*, 15 FCC Rcd at 6357-8, para. 2.

[11] *See LPTV DTV First R&O*, 19 FCC Rcd at 19334, para. 5.

[12] 47 CFR §§ 74.784, 74.790. A TV translator station may receive the signal of the station it is rebroadcasting through multiple means, including over-the-air, satellite, microwave, and cable.

[13] *See LPTV DTV First R&O*, 19 FCC Rcd at 19334, para. 5.

[14] *Id.*

services, and may be displaced by full power stations.[15] They also do not have to adhere to any regular schedule of operation.[16]

4. Class A stations, which were established pursuant to the Community Broadcasters Protection Act of 1999 (CBPA),[17] operate at low power, like LPTV/TV translator stations, but are afforded primary interference protection status.[18] Class A stations are required to broadcast a minimum of 18 hours per day and air an average of at least three hours per week of locally produced programming each quarter.[19] Although many Class A stations air independent programming, some are affiliated with a television network, including the top four networks. In addition, Class A stations must comply with certain part 73 regulations applicable to full power television stations, including our online public inspection file rules, rules governing informational and educational children's programming, and the commercial limits in children's programming.[20] Although Class A stations are not a secondary service, like LPTV/TV translator stations, they are still subject to the various licensing and technical requirements found in part 74 of our rules.[21]

5. In the *NPRM*, the Commission sought comment on various tentative conclusions and proposals to clarify and update our part 11, 73, and 74 rules applicable to the LPTV Service. The *NPRM* sought comment on whether to amend the method for calculating the maximum distance that a displaced or channel sharing station may move under the LPTV/TV translator displacement rule and to revise our part 74 minor change rule to clarify the maximum distance that LPTV Service stations may move using a minor modification application.[22] The *NPRM* also proposed to establish a formal methodology by which LPTV Service stations specify a community of license (COL) within their contour.[23] The Commission sought comment on whether to adopt minimum operating hours and defined minimum video program requirements for LPTV stations;[24] require LPTV Service stations to file a formal request with the

[15] 47 CFR §§ 74.709, 74.793.

[16] 47 CFR 74.763(a). TV translators are "expected to provide service" and "avoid unwarranted interruptions in the service provided." *Id. See also infra* paras. 30-32 (discussing LPTV/TV translator operational requirements).

[17] Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. App. I at pp. 1501A-594 - 1501A-598 (1999), codified at 47 U.S.C. § 336(f) (CBPA). The CBPA permitted certain qualifying LPTV stations to apply for Class A status. 47 U.S.C. § 336(f)(2)(A)(i); 47 U.S.C. § 336(f)(2)(A)(ii); 47 CFR § 73.6001(c). In January 2023, Congress enacted the Low Power Protection Act "to provide low power TV stations with a limited window of opportunity" to apply for primary status as a Class A television licensee. Low Power Protection Act, Pub. L. 117-344, 136 Stat. 6193 (2023) (LPPA). The LPPA gave qualifying LPTV stations one year to apply for a Class A license, from the date that the Commission's rules become effective and sets forth certain eligibility requirements. LPPA Sec.2(b). In December 2023, the Commission completed a proceeding to implement the LPPA. *Implementation of the Low Power Protection Act*, Report and Order, 38 FCC Rcd 12627 (2023) (*LPPA R&O*), *affirmed*, *Radio Communications Corp. v FCC*, 2025 WL 1774920 (D.C. Cir. 2025); 47 CFR § 73.6030. On May 30, 2025, the window for eligible LPTV stations under the LPPA to convert to Class A Status closed. *Media Bureau Announces Filing Window for Qualified Low Power Television Stations to Convert to Class A Status Pursuant to the Low Power Protection Act,* Public Notice, 39 FCC Rcd 5749 (MB 2024). The extension of Class A status to LPTV stations has been limited to the terms of the CBPA and LPPA.

[18] 47 CFR § 73.6007. Although Class A stations have primary protected status, they still must still protect certain land mobile radio operations and primary and secondary television services. *See* 47 CFR §§ 73.6017, 73.6018, 73.6019, and 73.6020.

[19] 47 CFR § 73.6001(b).

[20] 47 CFR §§ 73.670, 73.671, 73.3526.

[21] *See LPTV DTV First R&O*, 19 FCC Rcd at 19333-4, para. 4;*Class A Order*, 15 FCC Rcd at 6365-69, paras. 23-31.

[22] *NPRM*, 39 FCC Rcd at 6340-2, paras. 37-40.

[23] *Id.* at 6342-5, paras. 41-44.

[24] *Id.* at 6345-8, paras. 45-51.

Commission when changing service designations (e.g., LPTV to TV translator status);[25] and require LPTV Service stations to maintain a call sign that is consistent with their class of service.[26]

6. The Commission went on to propose various changes to its technical rules including: requiring the use of certain emission masks for channel 14 LPTV Service stations;[27] prohibiting LPTV/TV translator station operations above TV channel 36;[28] removing the 30-day public notice comment period for displacement applications;[29] and applying the part 73 "program test authority" rule to LPTV/TV translator stations.[30] In addition, the Commission proposed several rule clarifications related to what emergency alerting equipment must be installed by LPTV stations;[31] the use of emission masks for Distributed Transmission System (DTS) facilities,[32] the implementation of interference agreements among LPTV Service stations; [33] the maximum grid resolution permitted to be used by LPTV Service stations when conducting an interference analyses;[34] and under what circumstances an LPTV/TV translator station qualifies for displacement.[35] Finally, the Commission proposed various non-substantive edits to our part 11, 73, and 74 rules.[36]

III. DISCUSSION

7. The LPTV Service has matured since its creation and today provides service to millions of people in local communities of all kinds across the nation. In some areas unserved by any other television station, an LPTV Service station may be the only source of local news, weather, and public affairs programming.[37] Even in some well-served markets, LPTV Service stations may provide the only service targeted to the unique, hyper-local interests of viewers within discrete geographical communities.[38] Given the continued importance of broadcast television, we adopt certain changes to our LPTV Service rules in order to ensure stations in the LPTV Service continue to flourish and serve the public. These include technical updates aimed at providing clarity and regulatory certainty to licensees so they can make informed business decisions about their station operations and to ensure that the public continues to benefit from their operations. Accordingly, we adopt, with some modification to the proposals in the *NPRM*, revisions to our rules: (1) updating how the relocation distance measurement is calculated for displaced LPTV/TV translators and LPTV Service channel sharing stations; (2) establishing a uniform maximum relocation distance for minor modifications; (3) establishing a formal method for LPTV Service stations to specify a community of license; (4) requiring LPTV Service stations to utilize a call sign that matches their service designation; (5) establishing a process for LPTV Service stations to

[25] *Id.* at 6349-50, paras. 52-55.

[26] *Id.* at 6351-2, paras. 56-58.

[27] *Id.* at 6352-4, paras. 59-61.

[28] *Id.* at 6354-5, paras. 62-63.

[29] *Id.* at 6358, para. 70.

[30] *Id.* at 6361-2, para. 79.

[31] *Id.* at 6350, para. 55.

[32] *Id.* at 6355-6, para. 65.

[33] *Id.* at 6356-7, paras. 66-68.

[34] *Id.* at 6357-8, para. 69.

[35] *Id.* at 6358-61, paras. 71-78.

[36] *Id.* at 6362-3, paras. 80-83.

[37] *See Class A Order*, 15 FCC Rcd at 6358, para. 3; *Review of the Commission's Rules Governing the Low Power Television Service*, First Report and Order, 9 FCC Rcd 2555, para. 2 (1994) (*LPTV First Report and Order*).

[38] *See Class A Order*, 15 FCC Rcd at 6357-8, paras. 2-3.

formally change their service designation; (6) making clear what EAS equipment must be installed by LPTV stations; (7) clarifying the video program responsibilities of LPTV stations; (8) revising the displacement rule to more clearly enumerate the circumstances that qualify a LPTV/TV translator station for displacement; and (9) making other revisions to our technical rules that are intended to streamline current processes, prevent interference, reduce burdens, and ensure that all applicants and licensees are treated equally. We also revise our rules to clarify the manner in which LPTV/TV translator channel sharing stations may apply for a new, non-shared channel.

8. We decline to adopt proposals from the *NPRM* where, based on the record, it is clear that adoption of the revised rule would introduce additional uncertainty for stations in the LPTV Service, unnecessarily increase burdens, or would not serve the public interest as the Commission had originally intended through its proposal. As such we decline to: (1) limit applicants' ability to round distance calculations; (2) require LPTV station minimum operating hours beyond those under our current rules; (3) make changes to our TV translator minimum operating rule; (4) limit the number of times LPTV/TV translators may change their service designations in one year; and (5) restrict community of license changes for LPTV Service stations to no more than once per year. We also decline to adopt several proposals submitted by commenters that are outside the scope of the proceeding; are better suited for resolution in other open proceedings; are circumstances better addressed through application of existing rules; or that were previously raised and rejected as actions beyond the scope of the Commission's authority. We find the actions we take today will not only provide regulatory certainty to industry, but will help ensure the LPTV Service continues to benefit the public and thrive well into the future.

A. Revision of Rules Concerning Relocation of Facilities

1. Calculating Distance for Displaced and Channel Sharing Stations

9. We adopt our proposal in the *NPRM*[39] to amend our displacement and channel sharing rules to eliminate the reference to a station's community of license (COL) and incorporate the language of the part 74 minor change rule that measures distance from the reference coordinates of an "*existing station's antenna location*."[40] We conclude that modifying our channel sharing and displacement rules to measure a station's proposed relocation based on its antenna location's reference coordinates is a more accurate method of determining the station's service area at the time of such facility modifications and will help maximize service to existing viewers. We find that using a station's COL is not as accurate a reference point as its antenna reference coordinates, especially in light of the flexibility we afford LPTV Service stations in this item when designating a COL.[41]

10. Our current part 74 rules limit how far an LPTV Service station may relocate its transmission facilities as part of a minor modification application, including when a LPTV/TV translator station is displaced or when an LPTV Service station is seeking to implement a channel sharing arrangement.[42] A displaced LPTV/TV translator station may propose a change in its transmitter site of

[39] *NPRM*, 39 FCC Rcd at 6341, para. 39.

[40] 47 CFR § 74.787(b)(1)(iii) (emphasis added). We also conform the Class A minor change rule language found in 47 CFR § 73.3572(a)(2) by replacing the text currently found in (a)(2) with a cross-reference to the proposed 47 CFR § 74.787(b). *See* App. B – Final Rules. For purposes of this *R&O* and our rules, the terms "minor change" and "minor modification" are used interchangeably and have the same meaning. Likewise the terms "major change" and "major modification" are used interchangeably and have the same meaning.

[41] *See infra* Sec. III. A. 3. – Community of License Designations and Coverage Requirements.

[42] 47 CFR §§ 74.787(a)(4), 74.787(b)(1)(iii) (limiting station moves to 30 miles). Displacement applications and channel sharing applications are treated as minor modifications. These types of applications are included when we reference "minor modifications" or "minor changes" unless otherwise noted. Displacement only applies to LPTV/TV translators, which are secondary. *See* 47 CFR 74.788(a)(4); *infra* Sec. III. H. - Displacement Eligibility Revisions. Displacement occurs when a TV broadcast station's operation or construction permit causes or receives interference with respect to the LPTV/TV translator station, requiring that LPTV/TV translator station to modify its (continued….)

not more than "30 miles from the reference coordinates *of the existing station's community of license*."[43] Further, our channel sharing rules apply this same rule to LPTV Service station relocations resulting from a proposed new or modified channel sharing arrangement in conjunction with a displacement application.[44] In contrast, an LPTV Service station that seeks to relocate its facility through a minor modification application that is not related to channel sharing or displacement is limited to moves no greater than "30 miles (48 kilometers) from the reference coordinates *of the existing station's antenna location*."[45] The distance limit on facility relocations for minor modifications (as well as channel sharing arrangements and displacement) was established to ensure that LPTV Service station modification applications for "minor change" do in fact involve "minor" changes and maximize service to existing viewers.[46]

11. The *NPRM* points out an inconsistency between the manner with which our minor change and displacement/channel sharing rules calculate the distance of a proposed relocation under the minor modification process.[47] While the displacement/channel sharing rule calculates the relocation distance using the reference coordinates of the existing station's COL, the minor modification rule calculates the distance using the reference coordinates of the existing station's antenna location. To resolve this inconsistency and harmonize our rules with respect to these type of facility relocations, we adopt our proposal to amend the displacement and channel sharing rules to eliminate the reference to a station's COL and incorporate the language of the minor change rule that measures distance from the reference coordinates of the "*existing station's antenna location*."[48] We agree with commenters such as NAB and SBE that support this change because a station transmitter site's geographic coordinates are specified in its license and should form a reliable and easily-identified reference point for distance calculations as compared to an LPTV Service station's COL, which may be less precise.[49]

(Continued from previous page)
facilities to resolve that interference. Class A stations are not eligible for displacement. *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, 38 FCC Rcd 8706, 8721, para. 27 and n.106 (2023) (deleting 47 CFR § 73.6022(b) because Class A stations are no longer subject to displacement).

[43] 47 CFR § 74.787(a)(4) (emphasis added). In addition to the distance limitation, the service contours of the station's existing and proposed facility must overlap. *Id.*

[44] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Third Report and Order and Fourth Notice of Proposed Rulemaking*, 30 FCC Rcd 14927, 14943, para. 33 (2015) *(LPTV DTV Third R&O)*; *Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context et al.*, MB Docket No. 15-137 et al., Report and Order, 32 FCC Rcd 2637, 2660, para. 45 (2017); 47 CFR § 74.787(b)(2) (minor modifications for channel sharing stations); 47 CFR § 73.6028 (Class A television channel sharing outside the incentive auction); 47 CFR § 74.799 (Low power television and TV translator channel sharing). As previously noted, Class A stations are no longer eligible for displacement. *Supra* note 42. As such all channel sharing relocations would be measured from a Class A station's antenna coordinates.

[45] 47 CFR § 74.787(b)(1)(iii) (emphasis added). Such moves are deemed "minor changes" and are permitted at any time. Transmitter site moves of greater than 30 miles (48.3 kilometers) are considered "major changes." 47 CFR § 74.787(b)(1)(iii).

[46] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732, 10767, para. 58 (2011) (*LPTV DTV Second R&O*).

[47] *NPRM*, 39 FCC Rcd at 6340-1, para. 38.

[48] 47 CFR § 74.787(b)(1)(iii) (emphasis added). *See supra* note 40.

[49] NAB Comments at 11; SBE Reply at 2. *See also infra* Sec. III. A. 3. – Community of License Designations and Coverage Requirements (providing flexibility for LPTV Service stations to designate a COL).

12. LPTVBA opposes this change arguing that it conflicts with our proposal to require all LPTV Service stations to designate a COL.[50] LPTVBA believes that the Commission should retain the option for displaced and channel share stations to use its COL for relocation analyses.[51] We disagree.[52] Because LPTV Service stations are not included in the Table of TV Allotments, they are not assigned any specific COL when licensed.[53] Based on the contour size and the hyperlocal nature of LPTV Service stations, precision is necessary in order to retain the intent of the distance limitation in our rules with regards to minor changes and minimize service disruption. Therefore, we find changing our rules to measure a station's proposed relocation based on the reference coordinates of its antenna location provides a more accurate method for determining a station's service area. Conversely, we find measuring distance from a station's COL for purposes of displacement (or any minor modification) may not be an accurate representation of a station's actual service area.[54] The reference coordinates for a station's COL is a pre-defined set of coordinates that were established in the Commission's cable rules.[55] These coordinates may have no relation to the antenna emitting the station's signal to the public and, thus, no relation to the actual service area. This is not only true when considering the present informal system for stations to designate their COL,[56] but also when taking into account the flexibility we afford LPTV Service stations in the COL rules we adopt in this proceeding.[57]

2. The Distance Relocation Limit

13. We retain but modify the current LPTV Service minor modification distance relocation limit to no greater than 49.1 km from a station's current antenna reference coordinates.[58] This distance ensures that LPTV Service stations seeking to relocate their facilities continue to utilize the minor modification process for just "minor changes." It will also preserve, to the greatest extent possible,

[50] LPTVBA Comments at 9-10; LPTVBA April 2025 Ex Parte at 6.

[51] *Id.*

[52] KADO also disagrees with removing the reference to a station's COL, but does not provide any specific rationale why it is a better than a station's antenna reference coordinates. KADO Reply at 2.

[53] *See LPTV Order*, 51 R.R. 2d at 488, para. 27 ("adopting a table of low power television assignments would represent an unnecessarily rigid approach in a demand-driven service where we are fostering marketplace sovereignty … the public interest best will be served by permitting LPTV applicants to locate their stations and configure their service areas as market conditions dictate"); *Class A Order*, 15 FCC Rcd at 6367, para. 28 (concluding that a minimum community of license coverage requirement is not appropriate because of the lower power levels that Class A stations will operate and given that, in many cases, Class A stations are providing programming to areas where a higher power station could not be accommodated in the Table of Allotments).

[54] As discussed in greater detail below, under our current rules, there is no formal method for an LPTV Service station to designate a COL, and they may select any community, even if it is not located within their service area. *See infra* para. 21.

[55] To determine the coordinates of a station's COL, the current displacement rule cites to section 76.53 which is used to "identify the boundaries of the major and smaller television markets" for purposes of the Commission's part 76 cable rules. *See* 47 CFR § 74.787(a)(4) (allowing for the filing of displacement relief applications "provided the proposed transmitter site is not located more than 30 miles from the reference coordinates of the existing station's community of license. *See* § 76.53 of this chapter"); 47 CFR § 76.53 (providing a list of reference points to be used to identify the boundaries of the major and smaller television markets (defined in § 76.5)").

[56] *See LPTV Order*, 51 R.R. 2d at 488, para. 27 ("the public interest best will be served by permitting LPTV applicants to locate their stations and configure their service areas as market conditions dictate").

[57] *See infra* Sec. III. E. 3. - Community of License Designations and Coverage Requirements.

[58] *See supra* note 42 (unless otherwise noted, minor modifications include displacement applications and channel sharing applications).

continuity of service for existing viewers.[59] We decline to adopt alternative proposals set forth in the record. We also decline to adopt our proposal to prohibit rounding when making a distance calculation.

14. As an initial matter, we adopt our proposal[60] to only reference the distance relocation limit in terms of kilometers and eliminate the reference to miles. No commenter specifically addressed this proposal. As discussed in the *NPRM*, the current rule states that the distance limit is "30 miles (48 kilometers)," but these values are not equivalent.[61] Thirty miles is approximately 48.28 km, while 48 km is approximately 29.8 miles.[62] We conclude that a single standard for calculating distance will establish precision and clarity for both broadcasters and the Commission.[63] Further, although the *NPRM* proposed to prohibit the practice of rounding in order to minimize the negative effect of station relocations on viewers that rely on LPTV Service stations,[64] we decline to adopt that proposal. We agree with commenters that continuing to allow applicants flexibility with regards to rounding would not cause a significant impact on viewers or introduce significant uncertainty.[65]

15. Next, we adopt a revised distance limit of 49.1 km and reject calls by commenters to eliminate or adopt a different limit and/or method for determining compliance.[66] Commenters offer a myriad of alternative distance relocation limits including: only requiring that a station's existing and

[59] *See, e.g.,* 47 CFR §§ 74.787(a)(4), (b)(1)(iii). We note that the technical facilities of Class A television stations are subject to the part 74 technical and application rules. *See Class A Order,* 15 FCC Rcd at 6367, para. 28. To provide clarity to our rules, we modify the Class A rules to make clear that Class A television stations are also subject to the 49.1 km distance limit set forth in section 74.787. *See infra* App. B – Final Rules.

[60] *NPRM*, 39 FCC Rcd at 6341-2, para. 40.

[61] *Id.*; 47 CFR § 74.787(b)(1)(iii). In the case of displacement and certain channel sharing applications the distance limit permitted on facility relocations is 30 miles. *See* 47 CFR § 74.787(a)(4). The current rule does not make reference to kilometers.

[62] *NPRM*, 39 FCC Rcd at 6342, n.163.

[63] Most of the broadcast forms and rules utilize the metric system, and we find use of kilometers will create uniformity. *See, e.g.,* 47 CFR §§ 73.622(k), 74.709, 74.737 (using kilometers to measure distance); FCC Form 2100, Schedules A-F (using meters for height values). We delegate authority to the Bureau to conform any forms it finds necessary in order to comply with the rule modification being adopted here, including the authority to proceed by notice and comment rulemaking in making these changes if the Bureau deems required or advisable.

[64] *NPRM*, 39 FCC Rcd at 6342, para 40 and n.164 (discussing that Bureau staff permitted relocations of up to 30.49 miles to "round-down" the distance calculation to 30 miles to comply with the distance limitation).

[65] *See* NAB Reply at 3-4 (suggesting that distance calculations be rounded upward or downward to the nearest tenth of one kilometer); TZ Reply at 4 (rounding of any distance limitation value should be allowed to continue). *See also* NAB Comments at 11-12 (no objection to prohibiting arbitrary rounding of distance calculations; however, objects to prohibiting all rounding of calculated distances as excessive and unnecessary). Based on our revision of the rule to set the relocation limit at 49.1 km, a distance calculation of up to and including 49.14 km could be rounded down to 49.1 km for purposes of demonstrating compliance with the distance relocation limit. We understand that this rounding methodology would be consistent with Bureau processing practices.

[66] *See, e.g.,* ATBA Comments at 2-3; ATBA May 2024 Ex Parte at 3-4; ATBA April 2025 Ex Parte at 2-4; KADO Comment at 2 (the Commission never provided a rationale for why 30 miles was the appropriate limit); TZ Sawyer Reply at 3-4; Venture Reply at 4; LPTVBA Comments at 10-12 (the limit goes against the flexibility traditionally afforded to secondary stations); LPTVBA Reply at 4; LPTVBA April 2025 Ex Parte at 2; Bruno Reply at 4; Engle Comments at 3; Engle Reply at 3 (the unavailability of towers makes it difficult for a station to comply with the 30 mile limit, not just in rural and mountainous areas, but also in urban areas where tall towers may be overloaded with the antennas of other services and not available); Gray Comments at 5 (the Commission should adopt an extended limit that would grant stations the flexibility they need to find and move to technically and commercially viable transmitter locations when the need arises).

proposed service contours overlap (the standard before adoption of the 30-mile limit in 2004);[67] setting the limit at 40 miles;[68] setting the limit at 45 miles;[69] and setting the limit at 60 miles.[70] We find that a slightly increased limit of 49.1 km (increased from the proposed 48.3 km), will maintain consistency and bring the rule in line with past processing practices. As acknowledged in the *NPRM*, we have permitted stations proposing a relocation to comply with the distance limitation by "rounding down" distances of up to 30.49 miles to 30 miles.[71] In order to provide flexibility for stations seeking to relocate their facilities, we believe our decision should be based on the maximum distance the Commission has previously permitted stations to move without waiver, which when previously calculated in miles was 30.49 miles and when converted to kilometers is equivalent to 49.1 km.[72]

16. The existing distance limit was first adopted in 2004 with respect to displacement applications to "help to prevent applicants from using the displacement process to propose greater than needed modifications to their facilities."[73] It was later extended to all minor modification applications in an effort to prevent the loss of service to viewers who have come to rely on an LPTV Service station's programming, especially news, weather, and local emergency alerts.[74] We find that completely eliminating the limitation or extending the distance, as suggested by some commenters, could result in stations abandoning their current service areas and viewers. This would likely occur at the expense of viewers in rural and underserved areas in favor of larger suburban and urban locations.

17. We also disagree with commenters that maintaining the current limit denies secondary TV stations the flexibility to site their facilities; a flexibility that they maintain the Commission has always afforded stations in the LPTV Service.[75] Some of these commenters further suggest that there was never any basis for setting the limit at 30 miles.[76] In support of maintaining the current distance limit, NAB provided a detailed study measuring the service areas of secondary TV stations, which included all UHF LPTV/TV translator stations.[77] The NAB's study revealed that 31.6 km is the average diameter of a those station's service contours.[78] As such, NAB observed that the current distance that stations are allowed to relocate (and still have their move be considered "minor") is greater than the average service area diameter calculated in its study and affords secondary stations adequate flexibility when siting their transmission facilities. We find that NAB's study supports our decision to generally maintain the current distance limitation. We conclude that 49.1 km should continue to provide station's with sufficient flexibility to site their facilities while maximizing service to existing viewers. Further, we note that the

[67] Bruno Comments at 2; OMI Comments at 1; Ellington Reply Comments at 1; LPTVBA Comments at 12; Reply Comments at 4; April 2025 Ex Parte at 4; NRB Comments at 3; TZ Sawyer Reply at 1-2.

[68] CMC June 2024 Ex Parte at 1; Dove May 2024 Ex Parte at 1.

[69] Dove Comments at 1; Sunshine Reply Comments at 1; Vision Comments at 1; Three Angels Reply Comments at 1.

[70] Bruno Reply Comments at 4; One Ministries Comments at 1-3.

[71] *NPRM*, 39 FCC Rcd at 6342, para. 40.

[72] 30.49 miles is approximately 49.07 km, which we round up to 49.1 km.

[73] *LPTV DTV First R&O*, 19 FCC Rcd at 19376, para. 134.

[74] *LPTV DTV Second R&O*, 26 FCC Rcd at 10767, para. 58 (adopting the "30-mile rule" in order to prevent stations from frustrating the intent of the minor change rule and ultimately leaving existing viewers of the station, who have come to rely on its service, behind).

[75] ATBA Comments at 8-9; Bruno Reply at 4; KADO Reply at 2; LPTVBA Comments at 11-12 and Reply at 4; MSPGR Comments at 1; One Ministries Reply at 1; Venture Reply at 4.

[76] ATBA Comments at 2-3; LPTVBA Comments at 11-12; Venture Reply at 4; KADO Reply at 2.

[77] NAB Comments at 13.

[78] *Id.*

30-mile distance limitation has been in place, in some form, since 2004 and LPTV Service stations have been able to comply with it without any notable disruptions to their ability to provide service and site their facilities. We see no reason to significantly disturb a threshold for minor modifications that has been functioning well.

18. In contrast, with one exception, commenters arguing for a greater distance limit (or complete elimination of the limit) fail to provide any similar quantitative data supporting their proposals, instead relying on the need for more flexibility as justification for their position. The one study, which was provided by TZ Sawyer, only examines Class A facilities in its analysis, which are not representative of the LPTV Service at large.[79] Stations needing greater flexibility to relocate their facilities in excess of the minor change distance limit we adopt should instead file an application for major modification, which has no distance limitation.[80] While the ability to file a major modification is currently frozen, the Media Bureau (Bureau) recently announced that it will commence the process of lifting the freeze on filing applications for major modification on December 18, 2025, when facility relocation of up to 121 km will be permitted.[81] The process of lifting the major modification application freeze will be completed on March 19, 2026, when facility relocations of any distance will be permitted.[82] As such, LPTV Service stations that wish to relocate their facilities greater than the minor modification distance limit will be permitted to submit a major modification to accomplish such a facility modification.[83]

[79] TZ Sawyer Reply at 1-2 and Tables A, B, C, and D. TZ Sawyer's study concludes that when using service contours a station in the study could move, on average, 119.6 km (or 74.2 miles) while retaining contour overlap. *Id.* at 3. We believe the TZ Sawyer study is flawed given both the size and nature of its sample size – which included only Class A stations. TZ Sawyer's study examined just 369 Class A stations, *Id.* at 2 and Table D, compared to NAB's study which examined all UHF LPTV/TV translator stations, NAB Comments at 13, and at the time of its filing would have amounted to nearly 4,000 facilities. *See Broadcast Station Totals as of June 30, 2024*, Public Notice, 39 FCC Rcd 7009 (MB 2024) (listing 2,449 UHF TV translator stations and 1,511 UHF LPTV stations). As an initial matter, Class A stations maintain primary protected status and typically have larger contours than most LPTV/TV translators. Class A stations also represent a fraction of stations in the LPTV Service. Based on the most recent station totals calculated by the Commission, Class A stations represent just 7.9% of stations in the LPTV Service. *See supra* para. 2 (providing current LPTV Service station totals). Even assuming TZ Sawyer's conclusions are factually correct based on the chosen stations in its study, if LPTV/TV translator stations were included, the average distance a station could move with contour overlap would be significantly lower. TZ Sawyer's study also fails to recognize the purpose for the distance limit, which is to provide a means for stations to make minor changes to their facility while continuing to provide service to as many existing viewers as possible.

[80] *See* 47 CFR § 74.787(b)(1)(iii). In addition to facility relocations of greater than the distance limit, stations may also use the major modification process to change channels and/or relocate their facility without contour overlap. 47 CFR § 74.787(b)(1)(ii), (ii).

[81] *Media Bureau Announces a Phased Resumption of First-Come, First-Served Processing of Applications For Major Changes For Class A, LPTV and TV Translator Stations and Applications For New LPTV and TV Translator Stations*, *Public Notice*, DA 25-792, at 2-3 (rel. Sept. 3, 2025) (*Freeze Lift PN*). The Bureau originally announced that such filings would be accepted starting on October 22, 2025, but later revised the date due to the partial lapse in government funding that occurred October 1 through November 12, 2025. *Media Bureau Revises Filing Schedule for Class A, LPTV and TV Translator Major Change Applications and for New LPTV and TV Translator Station Applications*, Public Notice, DA 25-946 (rel. Nov. 17, 2025) (*Extension PN*) In the *Freeze Lift PN* the Commission reinstated its freeze on all LPTV Service major modifications. *Freeze Lift PN* at 2 and *Extension PN* at 1.

[82] *Extension PN* at 2. Interested parties will also be permitted to apply for new LPTV/TV Translator stations starting on the same date. *Id*. The Bureau originally announced that such filings would be accepted starting on January 21, 2026, *Freeze Lift PN* at 3-4, but later revised the date due to the partial lapse in government funding from October 1 through November 12, 2025. Applications for all of the filing opportunities set forth in the *Freeze Lift PN* will be processed on a first-come, first-served basis. *Id.* at 5; *see* 47 CFR § 74.787(a)(3).

[83] ATBA requested that such an opportunity be afforded to LPTV/TV translator stations. ATBA April 2025 Ex Parte at 3 ("the FCC should provide a window for parties to apply for new LPTV stations and to make major changes to existing facilities (including the ability to move further than 30 miles.")).

19. We are, however, sympathetic to stations that have or may lose their existing transmitter sites, may or have been displaced, or are otherwise unable to relocate to a new, rule-compliant transmitter site prior to the time that the filing freeze on major modifications is lifted or the revised 49.1 km distance limit is effective.[84] In such instances, stations may seek a waiver of the distance limit[85] and we instruct the Bureau to review such waivers on a case-by-case basis under our general waiver standard.[86] The Bureau should view waiver requests favorably where the applicant is seeking a relocation of no greater than 49.1 km (prior to the new minor modification distance limitation adopted herein taking effect); or if greater than 49.1 km where the applicant can demonstrate that it must relocate its facilities due to circumstances beyond its control (e.g., its tower has been decommissioned or it is displaced). As part of a waiver request seeking to move no more than 49.1 km, the applicant must demonstrate that the proposal maintains contour overlap with the current facility. For a waiver request seeking a relocation of greater than 49.1 km, the applicant must show that it has taken all reasonable efforts to maximize service to *existing* viewers within the station's contour (i.e., no reasonable alternatives are available that will result in more existing viewers maintaining coverage). The applicant may also demonstrate that viewers within its existing contour will remain well-served and have access to similar programing from other stations.[87] Our expectation is that once our revised minor modification limit is in effect and stations are permitted to file major modifications, any need for a waiver will be greatly reduced, if not entirely eliminated. Any waivers filed after the major modification freeze is lifted will have to address why a waiver is justified in light of the ability to file for a major modification.[88]

3. Community of License Designations and Coverage Requirements

20. We adopt our proposal[89] to establish a flexible, formal standard by which LPTV Service stations specify a COL. We find that formalizing the COL designation process and providing a set standard for how LPTV Service stations select a COL will provide certainty to licensees and clarity to

[84] *See, e.g.*, Bruno Reply at 4 (Commission should provide flexibility to stations requiring relocation in areas with a scarcity of appropriate, commercially viable, and/or available tower sites); Engle Reply at 3 (the availability of towers makes it difficult for a station to comply with the 30 mile limit, not just in rural and mountainous areas, but also in urban areas where tall towers may be overloaded with the antennas of other services and not available); Gray Reply at 5 (the Commission should adopt an extended limit that would grant stations the flexibility they need to find and move to technically and commercially viable transmitter locations when the need arises). *See also* CMC June 2024 Ex Parte; Dove May 2024 Ex Parte; Ellington Reply at 1;KADO Reply at 1.

[85] *See* LPTVBA Comments at 10 (provide a waiver opportunity for stations that can demonstrate a lack of alternate tower options); NAB Comment at 14-15 (allow waivers where no suitable alternative sites are available).

[86] *See* 47 CFR § 1.3 (waiver for good cause shown). In particular, waiver of a rule is appropriate where the particular facts make strict enforcement of a rule inconsistent with the public interest. *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *See WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1072 (1972); *Northeast Cellular*, 897 F.2d at 1166. Waiver of a rule is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest and will not undermine the policy underlying the rule. *See Northeast Cellular*, 897 F.2d at 1166; *Network; IP, LLC v. FCC*, 548 F.3d 116, 127-128 (D.C. Cir. 2008). Waiver requests should be attached to an applicant's minor modification application at the time of filing in LMS.

[87] *See* LPTVBA Reply at 4 (allow additional flexibility to ensure continued station operation); NAB Comments at 14-15 (allow waiver where no suitable alternative sites are available). Circumstances within the a station's control, including independent business decisions such deciding to not renew a tower lease, should not be viewed favorably. Given the short time period until when stations will be permitted to file for a major modification, we anticipate that stations can make arrangements to continue operations at their current site until they can file a major modification application.

[88] *See supra* note 86 (discussing Commission's general waiver standard).

[89] *NPRM*, 39 FCC Rcd at 6342-4, paras. 41-42.

viewers. Based on the comments we received in this proceeding, we decline to adopt a once-per-year limit on COL changes.[90] Finally, we adopt our proposal and require that all stations specify a rule-compliant COL within six months of the effective date of the rule.[91]

21. *Formal COL Designations.* As noted above, LPTV Service stations are not allotted in the Table of TV Allotments.[92] As a "fill-in" type service, their facilities can be authorized at any location, so long as they do not cause interference to any other authorized television station. Further, as secondary services, LPTV and TV translator stations' facilities can also be displaced.[93] As a result, the Commission has not previously imposed a formal methodology for LPTV Service stations to be assigned a COL.[94] To date, stations in the LPTV Service have been able to informally specify any COL they choose, regardless of whether they provide service to that location.[95] Formalizing the COL designation process and providing a flexible standard for how LPTV Service stations can select its COL will ensure that COLs listed in our databases, such as the Licensing and Management System (LMS), reflect a station's actual service area.[96] We agree with NAB that allowing stations to specify *any* COL, even with no actual association with a station's actual service area, can cause improper association of a station to a particular market for audience measurement purposes and create viewer confusion.[97] Our new COL rule aims to eliminate these issues and help stations comply with existing rules that may reference a station's COL.[98]

[90] *Id.* at 6344, para. 43.

[91] Until the new rule becomes effective, we will maintain the status quo and permit the Bureau to continue to process COL change requests in the same manner it has to date. As discussed in the *NPRM*, the Bureau has been processing COL change requests for LPTV Service station's when at least a portion of the proposed COL is located within the station's protected contour. *Id.* at 6342, para. 41. Any COL changes made before the new rule becomes effective will be required to come into compliance with our new rule once it is effective. In order to avoid the need to change their COL in the future and potentially incur an application fee, we encourage new and modified stations to select a COL based on the requirements of the new rule.

[92] *See supra* para. 12 and note 53.

[93] *See* 47 CFR § 74.787(a)(4).

[94] Section 73.1120 of our rules requires Class A stations be "licensed to the principal community or other political subdivision which it primarily serves." The rule goes on to state that the "principal community (city, town or other political subdivision) will be considered to be the geographical station location." 47 CFR § 73.1120. While our rules require that Class A stations be licensed to a "principal community," Class A stations are exempt from our part 73 principal community coverage requirement. *See Class A Order*, 15 FCC Rcd at 6367, paras. 27-28. The term "principal community" is synonymous with a station's "community of license." *See, e.g.,* 47 CFR § 73.618 (Antenna location and principal community coverage). In establishing the Class A service, the Commission did not provide a clear process or parameters regarding how a Class A station could select or change its "principal community" or as we define it here, its COL.

[95] *See NPRM*, 39 FCC Rcd at 6342-43, para. 41. In light of the informal nature of the COL designation process, as discussed in the NPRM, the Commission has generally only considered requests for changes in a Class A or LPTV/TV translator stations COL when at least a portion of the proposed community is actually located within the stations protected contour. *See also id.* 6344, para.42, n.175 (permitting the Bureau to continue processing of COL changes consistent with its past practice, and stating that any COL changes made during the pendency of this proceeding will be required to come into compliance with any new rules adopted).

[96] *See* Engle Reply at 3 (agreeing that LPTV stations should have their community of license within their protected contour); Gray Comments at 11 (formalizing the COL designation process and providing set standards for how a Class A and LPTV/TV translator station can select a COL will ensure that COL's listed in LMS and used by stations actually reflects their service area); LPTVBA Comments at 13; Venture Reply at 4 (stations should designate a community of license that they actually serve); Vision Reply at 2, Three Angels Reply at 2; and Tyche Reply at 2 (supporting the COL proposal).

[97] NAB Comments at 15-16; NAB Reply at 4-5.

However, as discussed in greater detail below, we agree with commenters that LPTV Service stations should continue to possess the flexibility to determine where best to locate their stations' facilities and what COL to list for their facilities based on their actual service areas.[99]

22. We reject arguments that, because LPTV Service stations are not in the Table of TV Allotments and can be authorized at any location, there is limited significance of a COL for these stations and we should not adopt a more formal standard for stations to designate a COL.[100] ATBA, for example, asserts that there is no statutory basis for secondary stations to be assigned COLs given that the Commission has determined that section 307(b) of the Act "'applies to channels allotted via the Table of Allotments,'" and LPTV/TV translator stations "are not allotted in the Table of Allotments."[101] In particular, given the lower power and secondary nature of LPTV/TV translator stations and the fact that most available channels exist outside of major markets, the Commission concluded that the mandates of section 307(b) of the Act are fulfilled and it declined to allot LPTV/TV translator stations to specific communities. It instead chose to allow stations to decide where to locate their facilities and configure their service areas as need and market conditions dictate.[102] Further, ATBA contends that because LPTV Service stations are not required to provide any particular level service to their COL, and in the case of LPTV/TV translator stations can be subject to displacement, it would be "arbitrary and capricious" to tie the service of these stations to any community.[103] This argument misreads our proposal and its purpose. While we use the term "community of license" for purposes of our new COL rule, its use is not intended to impart any new section 307(b) obligations on the LPTV Service. Requiring that LPTV Service stations designate a COL is intended to provide clarity for viewers, allow stations to foster relationships with the communities they serve, and better align with existing rules that already apply to the LPTV Service. Further, given the secondary status of LPTV/TV translator stations and the fact they may need to make

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[98] *See, e.g.,* 47 CFR § 74.783(a)(1) (citing 47 CFR § 73.1201, which provides that the "[o]fficial station identification shall consist of the station's call letters immediately followed by *the community or communities specified in its license* as the station's location) (emphasis added)); 47 CFR § 73.3580 – Local Public Notice (local public notice of the filing of applications for new LPTV stations must include *the station's community of license*) (emphasis added); 47 CFR § 76.55(d) - Definitions Applicable to the Must Carry Rules and 47 U.S.C. § 534(h)(2)(b) (in determining whether an LPTV station is a Qualified Low Power Station for must carry purposes, the Commission must determine, *inter alia*, that the station would address local news and informational needs which are not being adequately served by full power television broadcast stations because of the geographic distance of such full power stations *from the low power station's community of license*) (*emphasis added*); 47 CFR § 73.1125 – Station Telephone Number (Class A stations must maintain a telephone number *in their community of license*) (emphasis added).

[99] *See* LPTVBA Comments at 13-14; *see also* MSPGR Comments at 2 (recommending that the Commission either eliminate the COL designation requirement or allow for flexible changes to such designations). As discussed in detail below, our COL rule provides maximum flexibility to stations to designate a COL within their protected contour, based on the facilities they have chosen to specify. *See infra* paras. 24-25. Our COL rule does not restrict where stations may site their facilities.

[100] *See* ATBA Comments at 10; REC Networks Comments at 3-5; MSGPR Comments at 4; TZ Sawyer Reply at 3.

[101] ATBA Comments at 10 (citing 47 U.S.C. § 307(b) and *NPRM*, 39 FCC Rcd at 6344, para. 43, n.176). *See* 47 U.S.C. § 307(b) ("[i]n considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.").

[102] *See LPTV Order*, 51 R.R.2d at 485, para. 27 (concluding that, given their lower power and secondary status, LPTV applicants should be free to choose their proposed channels subject to the technical rules) (subsequent citations omitted); *Class A Report and Order*, 15 FCC Rcd at 6367, paras. 27-28 (Class A stations not subject to the Part 73 Table of TV Allotments); *see also* ATBA Comments at 10.

[103] ATBA Comments at 10-11.

changes to their facilities at any time, we agree that stations should have the flexibility to determine where to site their facilities and select a community of license for those facilities. Our new COL rule does just that.[104]

23. APTS argues that the Commission should not require TV translators rebroadcasting full-power noncommercial educational (NCE) or "public" television stations to designate COLs because it would provide little meaningful public interest benefit given the statewide/regional reach of many public TV NCE stations.[105] APTS goes on to assert that the requirement would impose unnecessary burdens and costs on so-called "public television translator stations" because it would require them to analyze the COL for each of their translator facilities.[106] We disagree. The goals of our new COL rule (i.e., ensuring clarity for viewers and allowing stations to foster relationships with the communities they serve) apply equally to all stations in the LPTV Service regardless of class, location, or operation. Furthermore, because TV translator stations are not formally licensed as "public" or "NCE" and are able to rebroadcast commercial or noncommercial stations, including over the same channel at the same time, there is no reliable way for the Commission to determine which translators are "public television translators" and would be eligible to be exempt from the COL rule. Such an approach would require additional filings from TV translators that would likely be more burdensome than simply utilizing existing Commission resources to confirm if their COL actually is located within the station's protected service contours. Given the flexibility we are providing within the new COL rule described below[107] and current Commission-provided tools in LMS that licensees can use to determine if a change in a station's COL is needed, we expect that the burden of compliance with our new rule will be minimal.[108]

24. *Flexible COL Designation Criteria.* In recognition of the unique nature and characteristics of the LPTV Service, including stations' small service areas and the secondary status of LPTV/TV translator stations, we adopt flexible criteria for LPTV Service stations to designate and change a COL. First, all LPTV Service stations must designate a COL with a boundary that overlaps with the station's "protected service contour." We define "protected service contour" as the contour set forth in section 74.792 of our rules for LPTV/TV translator stations and section 73.6010 of our rules for Class A stations.[109] A COL's "boundary" for the purpose of determining whether there is overlap with a station's protected service contour will be defined as the "boundary of the community as has been recognized by

[104] *See infra* paras. 24-25 (establishing flexible COL designation criteria).

[105] APTS Comments at 5.

[106] *Id.* at 7 (arguing that in some cases engaging consulting engineers and outside law firms, acquiring software, and devoting substantial staff time, to determine whether the current contour of each translator covers a portion of the community of license currently listed in LMS).

[107] *See infra* paras. 24-25 (establishing flexible COL designation criteria).

[108] Contrary to APTS assertion, stations should not need to engage technical or legal expertise to make a determination as to the status of their existing COLs, and a simple review by station staff of a station's LMS record should be sufficient. For example, stations' existing COLs and coverage areas are publicly available for free in LMS, and stations should be able to easily use this information to quickly determine if their current or proposed COL complies with the rule. To access their contour map, stations may access their "Facilities" page on LMS and, once there, select the "Facility Technical Data" tab. The station's current licensed contour will be overlaid on a zoomable map. Licensees with additional questions concerning access to LMS coverage area maps should contact the LMS help line at: (877) 480-3201 TTY: (717) 333-2824. Licensees should also contact Bureau staff with specific questions about whether a specific stations COL complies with the new rule. *See* Media Bureau—Subject Matter Expert List, https://www.fcc.gov/sites/default/files/mbexpertlist.pdf (last visited June 3, 2025).

[109] 47 CFR § 74.792; 47 CFR § 73.6010. Although other primary licensees may cause interference to secondary LPTV/TV translator stations, the service contour of LPTV/TV translator stations is protected from interference from other LPTV/TV translator stations. This is what is meant by the LPTV/TV translator station's "protected contour."

any federal, state, local, or tribal governmental entity."[110] A station will be required to certify in any application designating a COL that its protected service contour overlaps with the COL's boundary.[111] As pointed out by commenters, many TV translator and even some LPTV stations serve highly rural or unincorporated areas and identification of a specific "legal boundary," as proposed in the *NPRM*, could prove difficult.[112] To address this concern, we modify the proposed rule to remove the term "legal" and will permit stations to use the name of a county or a commonly used name of an unincorporated area, as recognized by any federal, state, local, or tribal governmental entity, as a station's COL.[113] In cases where no community exists within a station's protected service contour, a licensee may select a nearby community located outside its protected service contour and use Longley-Rice to demonstrate the field strength is at or above the value found in sections 73.6010 or 74.792 of our rules (as appropriate),[114] in the requested COL.

25. Second, we adopt the *NPRM's* proposal and conclude that *any* amount of overlap between a station's protected service contour and boundary of a station's COL will be deemed sufficient to designate a community as a COL.[115] There were no comments filed on this specific proposal. We agree with the tentative conclusion in the *NPRM* that this standard is appropriate given the relatively small size of the coverage area of many LPTV Service stations.[116] We also conclude that a more stringent coverage requirement, such as a percentage of population or land area, is unworkable and would unduly limit a station's COL options.[117]

26. *COL Change Limits.* Based upon the record developed in this proceeding, we decline to adopt the *NPRM's* proposal to limit COL changes to once-per-year.[118] Commenters pointed out that the proposed limit goes against the flexibility afforded to LPTV stations to decide where they operate without any corresponding benefit.[119] We agree that licensees are best equipped to evaluate which community

[110] For example, if a station designates Ocean City, Maryland as its COL, then its protected service area must overlap with the legal boundaries of Ocean City as recognized by the State of Maryland; Worcester County, Maryland; or a federal governmental entity (*e.g.,* U.S. Census Bureau).

[111] Commission staff may request support for the certification in the form of a map demonstrating the overlap.

[112] *See* NAB Comments at 15 (suggesting that a station should be permitted to specify its community of license as "rural XX county, state" or a similar less distinct area); REC Comments at 3 (the Commission must recognize that some facilities, especially TV translator stations may serve some of the deepest of rural areas where it may be very possible that the service contour of the facility does not reach a legal boundary). *NPRM*, 39 FCC Rcd at 6343-44, para. 42.

[113] A station that is serving Washington, D.C. could designate a specific area, such as Foggy Bottom, so long as the station's protected service area overlaps that area. Foggy Bottom is designated by the District of Columbia as a "Neighborhood Historic District." *See* Office of Planning - DC Historic Districts, https://planning.dc.gov/node/623272 (last visited June 3, 2025). To provide additional flexibility we also change our proposed rule from "as may be *designated* by any federal, state, local, or tribal governmental entity" to "as recognized by…." NPRM, 39 FCC Rcd at 6373 and 6384, App. A – Proposed Rules. Our intent is to provide licensee's the maximum flexibility to select a COL within their station's protected service contour.

[114] 47 CFR §§ 73.6010, 74.792.

[115] *NPRM*, 39 FCC Rcd at 6343-4, para. 42.

[116] *Id.*

[117] *Id.* For example, an LPTV Service station with a COL of Houston, Texas may find it difficult to serve a large percentage of the city's estimated population of greater than 2.3 million spread out over 665 square miles given that the station is low power and can only serve a small area. *See* https://www.houstontx.gov/abouthouston/houstonfacts.html (last visited June 17, 2025).

[118] *Id.* at 6344-5, para. 43.

[119] *See* LPTVBA Comments at 13-14; April 2025 Ex Parte at 6; Venture Reply at 4; Gray Comments at 11; REC Networks at 4. We note that NAB supported our proposed limit. *See* NAB Reply at 5-6 (supporting the proposal for (continued….)

they serve within their contour and that we should continue to provide stations in the LPTV Service the flexibility they need to site their facilities based on factors such as the nature of programming, geographic considerations, and market trends.[120] Given our decision today that *all* facility relocation distances be measured from a station's antenna reference coordinates[121] and that COLs must meet certain defined criteria,[122] we conclude that there is no practical need (such as preventing abuse of our rules) to adopt a limit on COL changes.

27. *Required Filing, Compliance Period, and Fee Exemption.* Finally, we adopt the proposal requiring all stations in the LPTV Service to designate a COL by filing an application for modification of license and to pay the appropriate filing fee.[123] Within six months of the effective date of our COL rule, all LPTV Service stations must have designated a COL that is rule-compliant. NAB and LPTVBA supported this proposal.[124] Stations whose current COL listed in LMS meets the requirements of the new COL rule do not need to take any action. Pursuant to section 1.1116 of our rules, such filings are exempt from paying an application filing fee where the station files a modification of license application during this six-month period solely to come into compliance with the new COL t rule.[125] The LPTVBA supported this approach.[126] The Bureau is instructed to revise our forms as necessary to implement the new COL rule.

B. Minimum Operating Hours for LPTV Stations

28. To ensure that LPTV stations are fully utilizing their channels and serving the public interest to the best of their abilities, the Commission proposed adopting minimum operating hours to require LPTV stations operate not less than 14 hours per calendar week.[127] Upon consideration of the record and reevaluation of our initial concerns, we decline to adopt such a requirement at this time. LPTV station operations will continue to be constrained only by the limits in the Act and our existing rules concerning station operation and silence. We also agree with commenters and decline to adopt our proposed revision of the language of the minimum operating rule for TV translators.[128]

29. *Minimum Operating Hours for LPTV Stations.* In order to continue to provide LPTV stations operational flexibility, we decline to adopt the proposed minimum operating requirement. In

(Continued from previous page)
LPTV and TV Translator stations to serve its designated community of license for at least one year before a change in that community is permitted).

[120] *See* LPTVBA Comments at 13-14.

[121] *See supra* Sec. III. A. 1. - Calculating Distance for Displaced and Channel Sharing Stations.

[122] *See supra* paras. 24-25 (establishing flexible COL designation criteria).

[123] *NPRM*, 39 FCC Rcd at 6345, para. 44. FCC Form 2100, Schedule D will be used by LPTV/TV translator stations and FCC Form 2100, Schedule F will be used by Class A stations.

[124] NAB Comments at 16; LPTVBA Comments at 13.

[125] Section 1.1116(a) of the rules exempts fees established in sections 1.1102 through 1.1109, 47 CFR §§ 1.1102-1.1109, where the filing is intended to come into compliance with a new Commission rule. 47 CFR § 1.1116(a). Thus, in this context, the exemption only applies to requests seeking to specify a COL that complies with the new rule. Minor modification applications that include other requests will incur a fee. *Id.* ("if the applicant also requests an additional modification, renewal, or other action, the appropriate fee for such additional request must accompany the application."); *see* 47 CFR § 1.1104 (Schedule of charges for applications and other filings for media services).

[126] LPTVBA Comments at 13 (advocating for fee waivers in this case). Although LPTVBA requested waiver of the application filing fee, we conclude that exempting stations from having to pay the filing fee is a better approach as it eliminates the need for stations to prepare and prosecute a separate fee waiver filing.

[127] *NPRM*, 39 FCC Rcd at 6345, para. 45.

[128] *Id.* at 6345, para. 45, n.180.

making this determination we recognize the comments from many LPTV commenters who argue that adoption of the proposal may be burdensome and have a detrimental effect on LPTV stations that are traditionally afforded flexibility to decide their stations' operational schedule.[129] We further acknowledge that LPTV stations are secondary licensees and many are owned and operated by various small entities whose operating funds, staff, and audience are limited. Compliance with a precise minimum operating schedule based on these entities existing expectations could prove challenging.[130] Such a requirement could also unnecessarily deprive LPTV stations of important operational flexibility to respond to marketplace demands and programming opportunities to better serve their niche, local viewers.[131] In light of these comments and concerns, and in the absence of a more feasible approach, we decline to require LPTV stations operate not less than 14 hours per calendar week or adopt any alternative minimum operating hours for LPTV stations.[132]

30. Although we decline to establish set minimum operating hours, LPTV stations will continue to be subject to existing operational requirements. We take this opportunity to remind LPTV stations of various statutory and operational requirements. An LPTV station that fails to operate for more than 10 days must notify the Commission that it is silent.[133] If a station remains silent for more than 30 days, it must seek Commission authority to remain silent.[134] Failure of an LPTV station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence

[129] *See* ATBA Comments at 5; Gray Comments at 7-8 and Reply at 4-5; KADO Reply at 2; LPTVBA Comments at 14-15; Reply at 5; and April 2025 Ex Parte at 6-7; MSPGR Comments at 1-2; NRB Comments at 4-5; Venture Reply at 4-5; Vision and Three Angels Reply at 1; WBON Reply at 1. NAB initially supported the proposal to adopt minimum hours for LPTV stations. NAB Comments at 16 (generally supporting the proposal requiring LPTV stations to operate for some minimum period). However, NAB later modified its comments given the concerns expressed by LPTV commenters. NAB Reply at 6 (commenting that a lesser requirement from that proposed may be desirable and recommending that the calculation of average operating hours should be aggregated over a much longer period such as one year).

[130] *See, e.g.,* LPTVBA Comments at 14-15; LPTVBA Reply at 5; ATBA Comments at 13-14.

[131] *See* ATBA Comments at 13 (LPTV stations have unique market dynamics to contend with and there is no basis for subjecting each of them to the same threshold for minimum operation); KADO Reply at 2 (local TV translator operators should be able to decide when it is not worthwhile to broadcast and should be allowed to conserve resources); LPTVBA Comments at 14-15 (local operators know best what their audience watches and what level of service is supported by the community); NRB Comments at 4-5 (the Commission's proposal robs LPTV stations of programming flexibility); Venture Reply at 4-5 (LPTV stations should have the flexibility to operate in a manner that best serves their local audience).

[132] We instruct the Bureau to continue to monitor LPTV station operations to ensure licensees are not spectrum warehousing and that they are fully utilizing the spectrum they have been licensed to use. The Bureau should continue to undertake investigations where it appears stations are not in fact serving the public and to take appropriate action in accordance with the Act and our rules. *See, e.g., NIA Broadcasting, Inc.*, Hearing Designation Order and Notice of Opportunity for Hearing, 36 FCC Rcd 4864 (MB 2021) (designating station's license renewal for hearing based on station having been silent for 99% of its license term); *Snake River Radio, LLC*, Hearing Designation Order and Notice of Opportunity for Hearing, 37 FCC Rcd 1099 (MB 2022) (designating station's license renewal for hearing based on station having been silent for 80% of its license term); *Birach Broadcasting Corporation*, Hearing Designation Order, 33 FCC Rcd 852 (2018) (designating stations license renewals for hearing based on stations having been silent for 96% of their license terms); *Common Frequency, Inc.*, Letter Order, 39 FCC Rcd 25 (MB 2024) (granting short-term license renewal for station that was silent for 52% of its license term). Our finding here should not be interpreted as foreclosing future consideration of minimum operating hours for LPTV stations if it becomes apparent that that the operational flexibility afforded to LPTV stations is being abused.

[133] *See* 47 CFR § 74.763(b).

[134] *Id.* Requests for silent authority may be granted up to 180 days and maybe extended for additional periods not to exceed 180 days. *See* 47 CFR § 73.1635. Upon resuming operations, stations must notify the Commission. *See* 47 CFR § 73.1740(a)(4).

of discontinuation of operation and the license of the station may be cancelled at the discretion of the Commission.[135] Finally, as with all broadcast stations, an LPTV station's license will automatically expire, as a matter of law, if the station fails to transmit a broadcast signal for any consecutive twelve-month period, notwithstanding any provision, term, or condition of the license to the contrary.[136] LPTV stations must also file required applications and/or notifications when they operate at variance from their licensed parameters.[137] LPTV stations should continue to be cognizant of these operational and notification requirements.[138]

31. *Revising the Minimum Operating Requirement For TV Translators.* In the *NPRM*, the Commission stated it is unnecessary to place additional minimum operating requirements on TV translators.[139] It found that TV translator stations are reliant on the programing and operation of the stations they are rebroadcasting and under existing rules are "expected to provide service to the extent that such [service] is within its control and to avoid unwarranted interruptions in the service provided."[140] The

[135] 47 CFR § 74.763(c).

[136] *See* 47 U.S.C. § 312(g) (providing that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any reason to promote equity and fairness."); 47 CFR § 74.763(c). The Commission has determined that its discretion under section 312(g) to extend or reinstate a station license is "severely limited." *See, e.g., In the Matter of Kingdom of God, Inc.,* Memorandum Opinion and Order, 31 FCC Rcd 7522, 7527 para. 11 (2016) (noting that Commission discretion under the "equity and fairness" provision of section 312(g) is "severely limited"); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 26 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited"). The Commission has exercised its authority to reinstate an expired license to "promote equity and fairness . . . only in rare circumstances where a station was silent as the result of natural disasters or compelling reasons beyond the licensee's control." *Christian Broadcasting of East Point, Inc*., Memorandum Opinion and Order, 30 FCC Rcd 13975, para. 4 (2015) (*Christian Broadcasting*); *see also*, *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (reinstating license where silence was due to destruction of towers in hurricanes); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007) (reinstating license where silence was necessitated by licensee's compliance with court order). The Commission has declined to reinstate licenses where the failure to transmit a broadcast signal was due to the licensee's own actions, finances, and/or business judgment. *See, e.g., Christian Broadcasting*, 30 FCC Rcd at 13975 (section 312(g) relief not warranted where station silence was due to being evicted from its tower site); *International Aerospace Solutions, Inc.*, Memorandum Opinion and Order, 38 FCC Rcd 1759 (2023) (relief not warranted where silence was due to loss of the authorized site for non-payment of rent and choice thereafter to operate from engineer's home without requesting and obtaining STA to do so).

[137] *See, e.g.,* 47 CFR §§ 73.1635 (special temporary authorizations); 73.1740 (Class A minimum operating and notification requirements); 74.763(b) (LPTV/TV translator station operation notifications).

[138] Because we decline to adopt a minimum operating requirement for LPTV stations, we also decline to adopt our proposals related to certifying in various applications whether a LPTV station has complied with its minimum operating requirement, and if not provide an explanation for its failure and why grant of the pending application is in the public interest. *See NPRM*, 39 FCC Rcd at 6348-9, para. 50. The application for renewal of license will continue to contain questions to which stations must certify concerning their operational and silence history during their previous license term. *See* LMS Form 2100 – Schedule 303-S – Certifications. We find that these existing certifications, along with the other notification and application requirements related to station operations and silence, *see, e.g.,* 47 CFR § 73.1635, are sufficient to ensure that LPTV stations are utilizing their licensed spectrum in the public interest and consistent with current legal requirements.

[139] *NPRM*, 39 FCC Rcd at 6345, para. 45, n.180.

[140] *Id.* (citing 47 CFR § 74.763(a)).

NPRM went on to propose replacing the word "expected" with "required."[141] The Commission believed that this word change would make it clear that the provision of service by TV translators is "required" and that they are subject to the same general rules regarding silence and operations that are applicable to all television stations.[142] The proposed word change was uniformly opposed by commenters and we decline to adopt it.[143]

32. In opposition to the change, APTS points out that the vast majority of TV translators already attempt to provide as much service as possible, and this change creates concern among licensees that they cannot shut down for maintenance unless the originating station is also offline for maintenance.[144] LPTVBA maintains that this word change would also seem to preclude a "part-time" TV translator that could operate on a generator for limited hours in an area that would otherwise receive no service.[145] Because it appears that the proposed word change would in fact create more uncertainty, we decline to adopt it. We do, however, reinforce our *expectation* that TV translators endeavor to do all they can to rebroadcast their primary station(s) and provide uninterrupted service. This is especially important given the nature of TV translator stations, which often provide service in rural, isolated areas in the absence of any other over-the-air television service.

C. Clarifying Video Program Signal Requirements

33. Section 74.790(g)(3) of our rules requires that "[w]henever operating, an LPTV station must transmit at least one over-the-air video program signal . . . ."[146] As proposed in the *NPRM*, we clarify that "video program signal" excludes test patterns, slides, and still pictures with unrelated aural transmissions.[147] This clarification is consistent with what viewers have come to expect with regards to the type of service provided by television broadcast stations.[148] Our clarification does not mean that test patterns, slides, or still pictures with unrelated aural transmissions are precluded, nor does it mean that we find that they do not serve the public interest. To make this point clear, we eliminate the term "whenever operating" from the rule to remove any doubt that we do not intend to restrict LPTV stations from broadcasting test patterns, slides, or still pictures with unrelated audio. This change also provides consistency across our television rules by making the part 74 rule more consistent with the part 73 rule cited in the *NPRM*.[149]

34. Commenters such as LPTVBA opposed the proposal in the *NPRM* arguing that it goes against the flexibility originally granted to the LPTV stations.[150] Although LPTVBA concedes that there is no question that test patterns are insufficient to comply with section 74.790(g)(3), it rejects the proposal that the Commission be the arbiter of whether slides or still pictures accompanying an aural transmissions

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[141] *Id.*

[142] *Id.* (citing 47 CFR §§ 73.763(b) and (c), 74.780, and 73.1635).

[143] *See, e.g.,* APTS Comments at 9-11; LPTVBA Comments at 15; Venture Reply at 4-5.

[144] APTS Comments at 10.

[145] LPTVBA Comments at 15.

[146] 47 CFR § 74.790(g)(3).

[147] NPRM, 39 FCC Rcd at 6348, para. 51.

[148] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations,* MB Docket No. 03-185, Fifth Report and Order, 38 FCC Rcd 6975, 6996, para. 40 (2023) (*FM6 Report and Order*).

[149] *NPRM*, 39 FCC Rcd at 6348, para. 51 (*citing* 47 CFR § 73.1740(a)(2)(iii)("Visual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service.").

[150] LPTVBA Comments at 15-16.

are "related" enough to be considered in compliance with the proposed rule.[151] Other commenters argue that slide shows with "unrelated" aural transmissions could be useful and responsive to the needs and interests of a station's viewers.[152] While slides with local community information or still pictures with unrelated audio may have some public interest importance, we are not prohibiting stations from airing such material. Instead, we conclude, that such content is by itself insufficient for purposes of meeting the minimum video program signal obligation under section 74.790(g)(3). This conclusion is consistent with the Commission's reasoning when it adopted the part 73 rule[153] and more recently in the context of the Commission's FM6 proceeding to ensure that spectrum that was allocated for the provision of broadcast television services is being used for that purpose.[154]

35. We agree with NAB that, at their core, LPTV stations remain television broadcast stations, all of which are obligated under our existing rules to provide a minimum "video program signal."[155] Commenters who object to the proposed rule revision appear to miss its intent. Rather than eliminate LPTV station's operational flexibility, the revised rule adopted today makes clear what it means to provide a "video program signal" and does not impose any new minimum operating requirements or preclude LPTV stations from broadcasting test patterns, slides, or still pictures with unrelated aural transmission so long as the station provides a video program signal that is consistent with our rules.[156]

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[151] *Id.* *See also* Bruno Reply at 4-5.

[152] *See* Engle Comments at 8; Dalton Comments at 1.

[153] When the Commission adopted section 73.1740(a)(2)(iii) of the Rules for full power stations in 1989, providing that the "[v]isual transmissions of test patterns, slides, or still pictures accompanied by unrelated aural transmissions may not be counted in computing program service," the Commission stated that it was doing so because of a concern that full power stations "might over use this form of service by filling their program day with audio-only or video-only bulletin board-like informational service, in place of normal programming during regular operational hours." *Deregulatory Review of Technical and Operational Regulations for Television Stations*, MM Docket No. 88-114, Report and Order, 4 FCC Rcd 2004, 2004, para. 3 (1989).

[154] When the Commission adopted its rules for "FM6 LPTV stations" to operate a separate analog FM radio stream on an ancillary or supplementary basis to their digital LPTV operation, the Commission required such stations "provide at least one stream of synchronized video and audio programming on the ATSC 3.0 portion of the spectrum at any time the station is operating." *FM6 Report and Order*, 38 FCC Rcd at 6997, para. 40. The Commission reasoned that adoption of this operational requirement would ensure that FM6 LPTV stations remain dedicated to providing the type of digital television service that viewers have come to expect from TV stations in addition to their FM6 operations. *Id.* Further, the Commission surmised that this requirement "would also ensure that the spectrum, which has been allocated for the provision of television service, is being used in an efficient manner and for its primary purpose." *Id.* *See also* Venture Comments at 5 (stating its support for restricting slideshows in the FM6 proceeding in order to ensure stations provide "legitimate television services.").

[155] NAB Comments at 17. The Commission has long held that "the fundamental use of the 6 MHz DTV license will be for the provision of free over-the-air television service." *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145, Report and Order, 35 FCC Rcd 14492, 14509, para. 33 and n.108 (2020) (quoting *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Fifth Report and Order, 12 FCC Rcd 12809, 12823 (1997)); *see FM6 Report and Order*, 39 FCC Rcd at 6996-97, paras. 40-42 (2023).

[156] We also adopt our proposal and will apply this requirement only to programming aired on the station's primary stream and not apply it to a station's multicast stream. For purposes of our rule, "multicast" stream(s) shall refer to a TV broadcast station's non-primary video programming stream(s); that is, stream(s) other than the station's primary video programming stream. Our rule would not prevent an LPTV/TV translator station from providing on a non-primary video programming stream a 24/7 audio only stream or 24/7 stream containing still pictures accompanied by unrelated aural transmissions. This would be permitted in the future, as it is today, so long as the station transmits "at least one over-the-air video program signal at no direct charge to viewers at a resolution of at least 480i.…"

36. LPTVBA, Bruno, Engle and other commenters argue, without legal support, that the proposal amounts to unconstitutional Commission regulation of content on broadcast stations such that it interferes with a station licensee's right of free speech.[157] According to commenters, the proposal to require aural and visual content to be "related" would require the Commission to make content decisions.[158] We disagree that our proposal runs afoul of the free speech protections enshrined in the First Amendment of the U.S. Constitution.[159] Our rule is wholly content neutral, as it does not distinguish favored speech from disfavored speech based on the views or ideas expressed in the programming.[160] In considering a challenge to a content neutral statutory provision establishing qualifications for low power radio licensees, the D.C. Circuit applied a "heightened rational basis" standard of review to content-neutral broadcast regulation, where the rule should be "reasonably tailored to satisfying a substantial government interest."[161] Applied here, requiring visual and aural programming be related for purposes of satisfying a minimum "video program signal" obligation is reasonably tailored to satisfying the substantial governmental interest and long-standing Commission goal of ensuring that frequencies allocated for television service continue to be used for the types of video program services viewers have come to expect from television stations.[162] As previously discussed and made clear by our revisions to the rule we adopt, LPTV stations are not precluded from broadcasting test patterns, slides, or still pictures with unrelated audio.

37. Finally, we find concerns raised in the record that adoption of the rule could prevent the airing of emergency information, such as Emergency Alert System (EAS) tests or alerts, to be unfounded.[163] This has not proven to be an issue in the full power context and, as such, it is not clear (nor have commenters provided evidence) why it would prove to be an issue here. Further, we again note that the rule does not prohibit the transmission of slides or still pictures with unrelated audio transmissions. As a practical matter we note that in emergency situations slides or still pictures are usually accompanied by audio *related* to the emergency. In any event, we also agree with NAB that, in times of emergency, for EAS tests, or for other exceptional circumstances, the display of slides and still pictures is usually brief and in practice should be inconsequential for determining whether a LPTV station is complying with its requirement under section 74.790(g)(3) of our rules, as modified in this *R&O*.[164]

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[157] LPTVBA Comments at 15-16; Bruno Comments at 4-5; Engle Comments at 8; KADO Reply at 2; Venture Reply at 4-5.

[158] Bruno Comments at 4-5; Dalton Comments at 1; Engle Comments at 8; LPTVBA Comments at 15-16.

[159] U.S. Const. amend. I.

[160] *See Turner Broadcasting Systems, Inc. v. FCC*, 512 U.S. 622, 643 (1994) *reaffirmed* 520 U.S. 180 (1997) (*Turner*) (finding that the Commission's must-carry provisions were content neutral because while they compelled cable operators to offer carriage to a certain number of broadcast stations, the rules did not regulate the content of the programming)); *see also Virginia Pharmacy Bd v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976) (defining "content-neutral" speech regulations as "those that are justified without reference to the content of the regulated speech").

[161] *See Ruggiero v. FCC*, 317 F.3d 239, 247 (D.C. Cir. 2003) (*en banc*) (explaining that this standard represents a middle ground for content neutral speech cases that is "between …minimal scrutiny and intermediate scrutiny").

[162] *See supra* notes 153, 154, 155 and 156.

[163] *See* Bruno Reply at 4-5; Dalton Comments at 1; Engle Comments at 8; LPTVBA Comments at 15-16.

[164] *See* NAB Comments at 17; NAB Reply at 7.

D. Class A, LPTV and TV Translator Station Designations and Call Signs

1. Changes Between LPTV Service Designations

38. We adopt our proposal[165] to require LPTV and TV translator stations that want to change their service designation (i.e., from LPTV to TV translator, or vice versa) to do so by way of a license modification application. We also will require Class A stations to file a license modification when downgrading to LPTV status. We decline, however, to adopt our proposal[166] limiting stations to designation changes only once every twelve months. Currently, if a licensee desires to change its station's designation between LPTV and TV translator (or vice versa), it must request such a change by informal notice (e-mail or letter) to Bureau staff, who in turn makes the classification change in the Commission's LMS database. No formal process exists to cover such changes and, with limited exception, stations in the LPTV Service can change their designation without limit and without any justification.[167] By adopting our application requirement, but not imposing a limit on designation changes, we create a formal process for stations to change their designation that will allow the Commission and public to better track station classification changes and will provide rule compliance clarity for stations; while at the same time continuing to provide licensees the flexibility to change their service designation based on the programming demands of their viewers and the broadcast marketplace.

39. LPTVBA, NAB, and SBE support adopting a formal redesignation process in order to allow the Commission and public to better track station classification changes and to provide rule compliance clarity for stations.[168] With the exception of ATBA, there is no objection to implementing a formal process for processing service redesignations. ATBA argues that there is "no basis for these changes" and that the Commission should "maintain its current informal system for changing station's designation," but it fails to explain why the current informal system is preferable.[169] Absent such an explanation and with no other objection to requiring designation changes be made through an application for license modification instead of an informal, non-public process, we will require stations seeking to change their service classification to do so through a license modification application filed in LMS.[170] In the *NPRM* the Commission also tentatively concluded that because it receives so few requests for downgrades from Class A to LPTV status and since such redesignation requests are not reversible, the same filing requirement is not required.[171] No comments were filed in response to this tentative conclusion. In order to promote transparency, ensure the timely processing of such requests (as limited in number as they may be), and in light of the general support for establishing a formal process for designation changes, we also find it is appropriate to apply the same license modification process to Class A stations.[172] We instruct the Bureau to revise our forms and make all necessary changes to LMS to implement this rule.

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[165] *NPRM*, 39 FCC Rcd at 63549-0, paras. 52-54.

[166] *Id.* at 6350, para. 54.

[167] Class A status is limited by statute. *See* CBPA and LPPA, *supra* note 17. Class A stations are permitted to revert to LPTV status and must "notify the Commission, in writing, and request a change in status." 47 CFR § 73.6001(d).

[168] LPTVBA Comments at 16; NAB Comments at 18; SBE Reply at 4.

[169] ATBA Comments at 14-15.

[170] Such applications are filed electronically on LMS on FCC Form 2100, Schedule D. Applicants will be required to pay the requisite application filing fee.

[171] *NPRM*, 39 FCC Rcd at 6349, n.201.

[172] Such applications are filed electronically on LMS on FCC Form 2100, Schedule F. Applicants will be required to pay the requisite application filing fee.

40. We decline to adopt the proposal to limit LPTV Service designation changes to no more than once every twelve months. The Commission proposed this limit in an effort to prevent stations from switching classifications to avoid regulatory burdens (i.e., EAS obligations or the filing of ownership reports) and then quickly switching back to obtain the benefits of being classified as an LPTV station (i.e., greater program origination ability).[173] The record contained no support for this limitation. For example, ATBA argues that the nature of the LPTV marketplace is such that "while most full power TV stations have multi-year programming agreements, many LPTV programming agreements are month-to-month"[174] and as a result "[i]t is not unusual…for an LPTV station to alternate between originating programming and acting as a translator…."[175] APTS, NRB, and Gray also highlight the need for flexibility given the nature of the LPTV marketplace and to ensure that stations are able to readily shift their formats based on marketplace demands and programming availability.[176] Upon consideration of the record, we find any benefit a limit may provide to prevent abuse is outweighed by the public interest benefit of affording licensees flexibility to respond to marketplace demands and determine what service designation is appropriate to best serve their viewers.[177]

2. TV Translator Call Sign Assignments

41. With respect to call sign assignments for TV translator stations, we adopt the proposal clarifying[178] that all TV translator stations must have an alphanumeric call sign comprised of a prefix consisting of the initial letter "K" or "W" (based on the station's geographic location in relation to the Mississippi River), followed by the channel number assigned to the station and two additional letters, and a suffix consisting of the letter "-D."[179] We conclude that this clarification is consistent with our existing TV translator call sign rule and find that the alphanumeric call sign will help viewers distinguish between TV translator stations and other classes of the TV service and ensure that licensees understand their obligations under our rules based on their class of service. As proposed in the *NPRM*, thirty days after the effective date of this *R&O,* we will automatically modify any TV translator call signs that do not comply with our TV translator call sign convention. The 30-day period will allow licensees to inform their viewers of the impending call sign change as they deem necessary. Similarly, when a station converts from LPTV to TV translator status, we will provide a 30-day period before automatically modifying a station's call sign to comply with the call sign naming convention in our TV translator call sign rule, in order to allow the station a period of time to inform viewers of the impending call sign change as appropriate.[180]

42. As proposed, we also decline to "grandfather" existing, non-compliant TV translator call signs and we affirm the tentative finding in the *NPRM* that "[g]iven that TV translator stations are, with limited exception, restricted to rebroadcasting other station's programing, TV translators do not have their

[173] *NPRM*, 39 FCC Rcd at 6350, para. 54.

[174] ATBA Comments at 15.

[175] *Id.*

[176] Gray Comments at 9-10; NRB Comments at 5; APTS Comments at 3.

[177] While we decline to adopt our proposed limit, we instruct the Bureau to utilize the new formal process for changes in service designations to monitor for patterns of abuse of the designation process to avoid station obligations.

[178] *NPRM*, 39 FCC Rcd at 6351, para. 56.

[179] 47 CFR § 74.791(b). With limited exception, station calls signs that start with a 'W' are located west of the Mississippi River and stations with a 'K' are located east of the Mississippi River.

[180] We instruct the Bureau to make changes to LMS to ensure these call sign changes can be automatically made. We note that the Commission does not have a requirement that stations provide viewer notification of a call sign change, and we continue to defer to stations to determine if and how such notification is appropriate.

own unique identity and 'grandfathering' existing call signs has no cognizable public interest benefit."[181] Members of the public have no reason to recognize TV translators as their own independent station and are more likely to identify with the station being rebroadcast by the TV translator. No commenter objected to this clarification and it is supported by NAB and LPTVBA.[182]

3. Class A and LPTV Call Sign Assignments

43. We adopt the proposal in the *NPRM* requiring that all Class A and LPTV stations must have a four-letter call sign, with the suffix "-LD" for LPTV stations and "-CD" for Class A stations.[183] We agree with NAB that "[t]he present system of call sign assignments has . . . blurred the distinction between LPTV and TV Translator stations."[184] Our current rule is permissive and states that "[l]ow power television and Class A television stations *may* be assigned a four-letter prefix."[185] It also permits LPTV stations to be assigned alphanumeric call signs just like TV translators.[186] We conclude that, in light of the regulatory and service distinctions between LPTV Service stations, it is appropriate to require that each service conform to its own call sign prefix and suffix.[187] However, as proposed in the *NPRM*, we will not require LPTV and Class A stations licensed as of the date of the release date of this *R&O* to change their call signs and we will "grandfather" LPTV and Class A call signs that are not compliant with the revised rule.[188] Gray argues that requiring LPTV stations to modify their call sign upon a designation change would jeopardize the station's identity along with the intellectual property rights the station has developed in its call sign.[189] The same argument could also apply to Class A stations. In order to address such concerns, licensed LPTV and Class A stations will be permitted to retain any call sign that is assigned to their station as of the release date of this *R&O*. A grandfathered call sign may be retained, unless or until the station changes its service designation or voluntarily chooses to modify its call sign. Grandfathered call signs may also be retained as part of an assignment or transfer of a station's license.[190]

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[181] *NPRM*, 39 FCC Rcd at 6351, para. 56. As of November 24, 2025, the Bureau estimates that 82 TV translator stations have call signs that either do not have the proper TV translator prefix and/or the "-D" suffix. *Id.* at n.214.

[182] *See* NAB Comments at 18; LPTVBA Comments at 17. In its comments, the LPTVBA expressed concern that, based on information from an LPTVBA member, LMS does not have the requisite functionality to facilitate modifying a change in call sign from LPTV to TV translator. LPTVBA Comments at 17. Today, to make such a modification requires the assistance of Bureau staff and cannot be made by a licensee.

[183] *NPRM*, 39 FCC Rcd at 6351-2, para. 57.

[184] NAB Comments at 18.

[185] 47 CFR § 74.791(c).

[186] 47 CFR § 74.791(a). As of November 24, 2025, the Bureau estimates that 815 LPTV stations and 44 Class A stations have call signs that either do not have a four-letter prefix and/or the "-LD" or "-CD" suffix.

[187] *See supra* para. 3 (discussing the regulatory and service distinctions between TV Translator and LPTV stations). Similarly, Class A stations have even more pronounced regulatory and service distinctions compared to both TV translator and LPTV stations. For example, all Class A stations not only have primary interference protection, but must broadcast at least 18 hours per day, air an average of 3 hours of locally produced programming per week, maintain an online public inspection file, and air minimum amount of children's television programming, among other unique requirements. *See* 47 CFR §§ 73.3526 (online public inspection file requirement); 73.6001(b) (minimum operating hour and locally produced programming requirement); 73.671 (children's television programming requirement); *supra* para. 4.

[188] Accordingly, we decline to adopt our alternative proposal requiring all Class A and LPTV stations to come into compliance with the new call sign rule within 90 days. *NPRM*, 39 FCC Rcd at 6351-2, para. 57.

[189] Gray Comments at 9.

[190] Although grandfathered call signs may be assigned or transferred along with a station's license, they may not be independently sold. We are permitting the grandfathering of noncompliant calls signs on the basis that they may be connected with an existing station's identity. Such concern would not exist, however, with a noncompliant call sign

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LPTVBA supported this alternative to allow stations to preserve their "well-established and recognized brand in its market."[191]

44. Stations that do not qualify for grandfathering or that want to voluntarily change their call sign to comply with the new rule will be provided one-year from the effective date of the rule changes in this *R&O* to designate a four-letter call sign with the correct suffix.[192] During this one-year period, pursuant to section 1.1116(a) of our rules, such filings are exempt from payment of the fee associated with any call sign change request that is submitted by a station solely to come into compliance with our revised rule.[193] Any station that subsequently modifies its service designation will be required to submit a call sign change request and pay the appropriate fee.

45. We also adopt our proposal to modify the call sign of a Class A station that reverts from Class A status to LPTV to reflect its LPTV status by automatically changing its call sign suffix from "-CD" to "-LD" upon the change in service designation.[194] The newly classified LPTV station will retain its current four-letter call sign prefix unless it conflicts with that of an existing LPTV station. In such a circumstance, the former Class A station will be required to modify its four-letter call sign prefix in through the Commission's LMS call sign reservation process and pay the appropriate fee.[195] We received no comments on this proposal. Because stations are not able to freely switch from LPTV to Class A status, when an opportunity for a status change exists a station's call sign will be modified to designate the "-CD" suffix as part of the Class A eligibility and licensing process.[196] The newly created Class A station will retain its current four-letter call sign prefix unless it conflicts with that of an existing Class A station. In such a circumstance, the new Class A station will be required to modify its four-letter

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and an unrelated station. Thus, we see no countervailing benefit to permitting the sale of a grandfathered call sign to an unrelated station that would justify an exception to our amended rule.

[191] LPTVBA Comments at 17. *See also* NAB Reply at 9 (supporting the proposal to "grandfather" existing LPTV callsigns).

[192] In response to the *NPRM*'s alternative proposal to require all Class A and LPTV stations to modify their call signs to align with their service designation, NAB expressed concern that "equipment modifications may be needed to change the callsign of some existing stations, and such modifications may not be practical or possible within" the time frame proposed in the *NPRM* and NAB suggested allowing stations one year to comply. NAB Comments at 18. Although we have declined to adopt this requirement and permitted grandfathering of Class A and LPTV call signs, we have taken NAB's concerns into account when establishing this one year period to help facilitate stations that do not want to take advantage of our grandfathering provision and instead come into compliance with the new rule. New LPTV and TV translator stations are initially assigned a prefix consisting of the initial letter 'K' or 'W' – based on whether the station is east or west of the Mississippi River, 47 CFR § 74.791(d) –followed by the channel number assigned to the station and two additional letters. Under our adopted rules, prior to filing an application for license to cover, LPTV stations will be required to modify their call sign to a four-letter call sign. For this initial call sign assignment a fee will not apply.

[193] Section 1.1116(a) of the rules exempts fees established in sections 1.1102 through 1.1109, 47 CFR §§ 1.1102-1.1109, where the filing is intended to come into compliance with a new Commission rule. 47 CFR § 1.1116(a). The fee exemption is limited to requests seeking to specify a call sign that complies with the new rule. Call sign requests that are not being made to come into compliance with the new rule will incur a fee. *Id. (*"if the applicant also requests an additional modification, renewal, or other action, the appropriate fee for such additional request must accompany the application."); *see* 47 CFR § 1.1104 (Schedule of charges for applications and other filings for media services).

[194] *NPRM*, 39 FCC Rcd at 6351-2, para. 57, n.219. *See* 47 CFR § 73.6001 (permitting Class A stations to revert to LPTV status).

[195] *See* 47 CFR § 1.1104, Table 6.

[196] Class A status is limited by statute. *See* CBPA and LPPA *supra* note 17.

call sign prefix through the Commission's LMS call sign reservation process and pay the appropriate fee.[197]

46. We reject the alternative call sign assignment proposals put forth by commenters, such as not having suffixes;[198] allowing stations to use the "-DT" suffix (which is currently associated with full power);[199] and allowing LPTV stations to use an "-D" suffix instead of "-LD."[200] We conclude that adoption of any of these alternatives is unworkable and would actually make the call sign system more confusing for the public and the burden that would be placed on broadcasters through a wholesale change to our call sign system far outweighs any potential benefit.[201] We also reject arguments by commenters that requiring Class A and LPTV stations (as well as TV translator stations) to maintain calls signs that abide by specific prefixes and suffixes as "discriminatory."[202] For example, Engle argues that adding the "-LD" and "-CD" suffixes is discriminatory because it draws attention to advertisers, programmers, and the public that these stations are not as good or less than full power stations.[203] Engle maintains that, now that we have digital transmission rather than analog, viewers cannot see a difference between LPTV and full service television.[204] Other than Engle's anecdotal comments, there is no evidence provided in the record that stations in the LPTV Service are viewed negatively or are otherwise discriminated against *solely* due to their call sign assignments. In any event, even if it is the case that LPTV Service stations are not viewed as valuable for advertising and programming purposes as other classes of stations, this is more than likely because of their lower power, secondary interference rights (in the case of LPTV/TV translator stations), and lack of must carry rights rather than their call sign prefixes or suffixes.[205]

E. EAS Obligations

47. We adopt our proposal[206] and amend our rules to clarify that all stations with the LPTV designation, regardless of how the station is operated, must generally comply with our part 11 EAS rules. We further clarify that a station formally designated in the Commission's database as a TV translator is not required to comply with our part 11 requirements, such as installing EAS equipment or meeting related obligations like filing in ETRS, if it entirely rebroadcasts the programming—including all EAS—of a Primary Station.[207] The part 11 EAS rules currently provide that "LPTV stations that operate as

[197] *See* 47 CFR § 1.1104, Table 1.

[198] Engle Comments at 6; Engle Reply at 3; LPTVBA Reply at 6; Venture Reply at 5.

[199] Columbus Comments at 1.

[200] LPTVBA Comments at 17 and Reply at 6.

[201] For example, NAB argues that assignment of a "-TV" suffix to broadcast stations other than full power television stations could create confusion in must-carry negotiations, audience measurement, and other matters. NAB Reply at 8-9.

[202] Engle Comments at 5-6; *see* Kuenzie Reply at 1 and LPTVBA Reply at 6 (agreeing with Engle that the present callsign system is "discriminatory").

[203] Engle Comments at 5-6.

[204] *Id.*

[205] Further, while visually a viewer may not be able to tell the difference between an LPTV Service station and a full power television station, that does not change the fact that each class of station has different obligations under our rules. A station's call sign is intended to help viewers, licensees, and the Commission easily distinguish those differences.

[206] *NPRM*, 39 FCC Rcd at 6350, para. 55.

[207] *See* 47 CFR § 74.701(b) (defining "Primary Station" as "the television station which provides the programs and signals being retransmitted by a television broadcast translator station."). This definition will be retained in our adopted rule changes, but redesignated as 47 CFR § 74.701(e). *See infra* App. B – Final Rules. Rebroadcasts that fail to pass-through or otherwise transmit EAS alerts may result in enforcement action against the TV translator

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television broadcast translator stations, as defined in § 74.701(b) of this chapter, are not required to comply with the requirements of this part."[208] In light of our decision to formalize the LPTV Service designation process and given the distinctions between LPTV and TV translator stations that have developed over the years, we find removal of this vague and unnecessary exception will help to ensure that all LPTV stations, when constructed, install the necessary EAS equipment. It will also further the public interest by ensuring emergency alerts are properly and fully disseminated.

48. Although commenters were opposed to our revised rule,[209] we find that their opposition is based on an apparent misunderstanding of the proposal. For example, ATBA, Sunshine, Three Angels, and Vision all characterize our change as "sweeping changes" to the EAS rules that are being made without considering their effects.[210] MSPGR warns that "[c]hanges to EAS rules should be carefully considered to avoid imposing undue burdens on LPTV stations."[211] Further, ATBA contends that our rule change eliminates the exemption for TV translator stations and expands their EAS obligations.[212] To be clear, our revised rule will not require a LPTV station to procure any new EAS equipment, does not expand our existing EAS obligations, and does not increase burdens on existing stations that are or are acting as TV translators.[213] TV translators and any broadcast station (LPTV or otherwise) that rebroadcasts 100% of its programming from a "hub station (or common studio or control point)" will continue to be exempt.[214] LPTV licensees that have a station without EAS equipment because it is being operated like a TV translator either need to change the station's designation to TV translator,[215] or ensure the necessary EAS equipment is installed at the hub station (or common studio or control point) being rebroadcast.[216] Because LPTV stations are able to originate programming and may not always

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station. TV translator stations are limited to transmitting locally originated messages that include emergency warnings of imminent danger, local public service announcements (PSAs), and seeking or acknowledging financial support deemed necessary to the continued operation of the station. 47 CFR § 74.790(f). Locally originated content related to PSAs and fundraising is limited to 30 seconds each and no more than once per hour. *Id.* Emergency transmissions are limited to no longer than necessary to protect life and property. *Id.* If a TV translator airs locally originated content, it may need to install EAS equipment or monitor their Primary Station during periods of local origination to ensure that all EAS alerts provided by the Primary Station are being transmitted.

[208] 47 CFR § 11.11(b).

[209] *See, e.g.,* ATBA Comments at 15-16, Sunshine Reply at 3 and Vision and Three Angels Reply at 1-2 ("the Commission should also avoid sweeping changes to the EAS rules without considering their effects"); Gray Comments at 10-11 ("a stream that rebroadcasts another station should not be required to comply with the EAS rules"); MSPGR Comments at 2 ("[c]hanges to EAS rules should be carefully considered to avoid imposing undue burdens on LPTV stations.").

[210] ATBA Comments at 15-16, Sunshine Reply at 3; Vision Reply at 1-2; Three Angels Reply at 1-2.

[211] MSPGR Comments at 2.

[212] ATBA April 14, 2025 Ex Parte at 8-9. ATBA also contends that EAS compliance for all LPTV stations should be "voluntary," and the Commission should eliminate EAS requirements for them. ATBA Ex Parte Comments at 8-9. In addition, ATBA argues that: "the FCC lacks authority to expand the burden it imposes on secondary stations for EAS compliance, and any effort to do so would run afoul of recent Supreme Court precedent," including the *Loper Bright v. Raimondo*, 603 U.S. 369 (2024) and *West Virginia v. EPA*, 597 U.S. 697 (2022) decisions. *Id.* As discussed herein, our action today does not expand any LPTV EAS obligations, but helps to clarify existing EAS obligations.

[213] Section 11.11(b) of our rules will continue to exempt LPTV stations from section 11.32's requirements to operate or maintain EAS Encoders. 47 CFR §§ 11.11(b); 11.32.

[214] 47 CFR § 11.11(b).

[215] *See supra* Sec. III. D. 1. – Changes Between LPTV Service Designations.

[216] 47 CFR § 11.11(b) ("Analog and digital broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point if there is no hub station) and rebroadcast 100 percent of the (continued….)

rebroadcast programing (even if they are today), it is critical that our rules are written in a manner to make sure that necessary EAS equipment is installed at LPTV stations in order to ensure the public is able to receive potentially lifesaving emergency information.

F. Channel 14 Emission Masks

49. In an effort to further reduce the potential for interference to LMR facilities in the 460-470 MHz band,[217] we will require that new channel 14 LPTV Service stations (Channel 14 LPTV Stations) and channel 14 LPTV stations that apply to modify their facilities specify a "full service" or "stringent" emission mask and prohibit the use of the "simple" emission mask.[218] We also adopt our tentative conclusion that stations currently licensed and operating without causing interference to LMR operations do not need to implement stringent or full-service masks, unless they propose to modify their facilities.[219] All commenters supported this proposal so long as currently licensed Channel 14 LPTV Stations are not required to modify their facilities.[220]

50. As the Commission pointed out in its *Land Mobile Interference Order*, instances of interference to LMR facilities from channel 14 television facilities "have been readily resolved by the installation of appropriate filters."[221] Mask filters decrease out-of-band emissions to operations on adjacent channels. Although the three standard mask filters found in our rules do not always resolve LMR interference issues, we believe they remain the most effective means to prevent out-of-band emissions and interference to LMR facilities on 460-470 MHz.[222] Because the stringent and full-service

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programming of the hub station (or common studio or control point) may satisfy the requirements of this part through the use of a single set of EAS equipment at the hub station (or common studio or control point) which complies with §§ 11.32 and 11.33.").

[217] LMR services are used by companies, local governments, and other organizations to meet a wide range of communication requirements, including coordination of people and materials, important safety and security needs, and quick response in times of emergency. *See* 47 CFR Part 90.

[218] *See NPRM*, 39 FCC Rcd at 6352-3, para. 59. Our rules currently require that all Class A and LPTV/TV translators stations seeking new or modified facilities specify in their application for construction permit that the station will be constructed to confine out-of-channel emissions using one of the following emission masks: simple, stringent, or full-service. 47 CFR § 74.794(a)(1) (defining simple, stringent and full service emissions masks). As of November 24, 2025, the Bureau has determined there are currently 8 Class A, 71 LPTV, and 79 TV translator stations operating on channel 14. Of the eight Class A stations, two are using the full-service mask, one is using a simple mask, and the other five are using the stringent mask (one of which holds a permit to convert to the full-service mask). As for LPTV/TV translator stations, 2 TV translators and 45 LPTVs are using the full-service mask; and 19 TV translators and 17 LPTVs are using the stringent mask; and 58 TV translators and 9 LPTVs are using the simple mask.

[219] *Id.* at 6354, n.231.

[220] *See* LPTVBA April 2025 Ex Parte at 2; NAB Comments at 19; *see also* NTA Comments at 7.

[221] *Resolution of Interference Between UHF Channels 14 and 69 and Adjacent-Channel Land Mobile Operations*, ET Docket 87-465, Report and Order, 6 FCC Rcd 5148, 5150, para. 11 (1991) (*Land Mobile Interference Order*). Because of the potential for interference to LMR facilities, construction permits for Channel 14 LPTV Stations also contain a condition requiring permittees to take measurements during equipment tests to identify and substantially eliminate interference which may be caused to existing LMR facilities in the 460 to 470 MHz band. 47 CFR § 73.1620(a)(1) (citing 47 CFR § 73.617(b)(2)(ii)). Channel 14 LPTV Stations must provide documentation before commencing operation that interference will not be caused to existing LMR facilities. *Id.* A similar requirement applies to full power television stations and restrictions on a channel 14 station's ability to commence program test authority *Id.*

[222] *LPTV DTV Second R&O*, 26 FCC Rcd at 10763, para. 69. In some cases, even more filtering is required, such as an 8- or 12-pole filter or multiple cascaded filters to ensure minimal interference with neighboring analog and digital broadcasts. *See* "Very-Sharp Filter Enhanced Compensation in ATSC 1.0 & ATSC 3.0," a 2017 study by TeamCast, Hitachi Kokusai Electric Comark, LLC and Dielectric, a copy of which is available at:

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masks are more restrictive than the simple mask and more effectively decrease out-of-band emissions, their use by Channel 14 LPTV Stations would be expected to minimize potential interference to LMR operations the best.[223] As the Commission previously observed, the cost difference between simple, stringent, and full-service mask filters is not substantial and because the filters are generally of similar physical size they should have similar installation costs.[224] Therefore, we find that any increased cost of requiring Channel 14 LPTV Stations to include stringent or full-service mask filters would not be unduly burdensome and any burden would be far outweighed by the benefits of better protecting LMR facilities from interference. Our rule will also prevent wasted investments by Channel 14 LPTV Stations that, for example, install one type of mask filter and then determine that stricter mask filter is needed.

51. Accordingly, under our rule all new Channel 14 LPTV Stations licensed after the effective date of our rule must specify either stringent or full-service mask filtering. All Channel 14 LPTV Stations that are licensed as of the effective date of this new rule must specify either stringent or full-service mask filtering[225] if they modify their facilities, unless the station is decreasing power or making a modification to its facilities that does not change its service contour.[226] With respect to those Channel 14 LPTV Stations that are licensed as of the effective date of this new rule, are operating without causing interference to LMR facilities despite use of a simple emissions mask, and do not seek to modify their facilities as described above, we do not require they take any further action. Because such stations are operating without causing interference we find there is no benefit to requiring them to utilize stringent or full-service mask filtering unless there is interference to an LMR facility.[227]

G. Prohibition on Operations Above Channel 36

52. We adopt our proposal[228] to prohibit LPTV/TV translator stations from operating above channel 36 (out-of-core channels). The LPTVBA supported our proposal and there were no comments opposed.[229] As part of the Incentive Auction and repacking process, the Commission reallocated TV

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https://comarktv.com/wp-content/uploads/2019/10/FINAL-2017_BEITC_Very_Sharp_Filter_Enhanced_Compensation_TeamCast_Comark_Dielectric-1.pdf.

[223] *See* 47 CFR § 74.794(a)(2).

[224] *NPRM*, 39 FCC Rcd at 6353-4, para. 61. Specifically, we estimated in 2018 that the cost of any given mask filter would be similar, with any cost difference being more heavily dependent on the power of the proposed facilities than on the specific type of emission mask. *See Catalog of Potentially Reimbursable Costs Incurred by Low Power Television, Television Translator and FM Broadcast Stations*, Public Notice, 33 FCC Rcd 10081, 10085 (IATF and MB 2018). The NPRM specifically sought comment on these cost assumptions and no information to the contrary was provided. *See NPRM* 39 FCC Rcd at 6353-4, para. 61.

[225] Use of filters superior to those found in our rules, including 8-pole, 12-pole, and cascaded masks, are still permitted to be used so long as they match or exceed the stringent and full-service masks which are permitted on channel 14.

[226] LPTV/TV translator stations are secondary to LMR operations and must continue to address any interference caused to an LMR facility. *See* 47 CFR § 74.703(e). Note that relocation within the contour, even if it does not increase the contour in any direction, will require stringent or full-service mask filtering. While the overall service area may shrink, the new location may put the station closer to or potentially even on the same tower as a land mobile operation. This situation would be more likely to create interference, a situation we seek to avoid with this rule.

[227] NTA requests clarification that Channel 14 LPTV Stations which receive interference complaints from LMR licensees will be able to seek displacement to a different channel rather than installing additional filtering. NTA Comments at 7. As discussed in greater detail below, Channel 14 LPTV Stations that cause interference to LMR operations will be covered under our modified displacement rule. *See infra* para. 63.

[228] *NPRM*, 39 FCC Rcd at 6354-5, paras. 62-63.

[229] *See* LPTVBA April 2025 Ex Parte at 2.

spectrum above channel 37 (614-698 MHz, the so-called "600 MHz Band") for use by wireless broadband providers and provided LPTV/TV translator stations that were displaced with an opportunity to file a displacement application to move their facilities to a new "in-core channel" (i.e., channels 2-36).[230] Although the Commission prohibited new operations on out-of-core channels,[231] it also provided flexibility to out-of-core LPTV/TV translator stations to continue operating on their pre-auction channels above channel 36 until they were notified by a new 600 MHz Band licensee that it intended to commence operations.[232] The Incentive Auction closed in 2017 and according to the Commission's records there are currently no LPTV/TV translator stations operating on out-of-core channels. Accordingly, we find that the flexibility previously afforded to out-of-core stations is no longer necessary and we amend our rules to prohibit television operation on all out-of-core channels.

53. As a result of our decision today, we also delete section 73.3700(g)(4)(iii) of the rules that previously permitted stations on channels 39-43 and 47-51 to continue operating on their out of core channels until receiving notification from a 600 MHz wireless licensee that they were commencing operations on the station's channel. We also take this opportunity to delete as obsolete sections 73.3700(g)(iv) and (v) that provided what stations receiving notifications were required to do as well as the deadline for stations located on so-called "guard band channels" (channels 38 and 44-46) for terminating operations on their out of core channel. Finally, we delete as obsolete sections 73.3700(g)(4)(i) and (ii) which provide that 600 MHz wireless licensees must provide notice to out-of-core stations that they are commencing operations. Given that we are prohibiting further television operations on channels above channel 36, consistent with the proposal in the *NPRM*, we deem the rules requiring notifications to out-of-core licensees (of which there are none) no longer necessary.

54. NAB explained that it had "no objection" to the prohibition, but expressed concern that there may be stations presently authorized to operate above channel 36 that are silent because they have not identified an in-core channel; however they did not identify any such station.[233] The Bureau has thoroughly examined LMS records of all stations that previously were licensed above channel 36, contacted all affected stations that had not filed a license for a new in-core channel, and has confirmed that no LPTV or TV translator stations remain operational or silent above channel 36. Further, no other comments expressed concerns and no parties filed stating that they were in fact still operating or licensed

[230] *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6617-80, paras. 109-257 (2014) (*Incentive Auction R&O*); *Id.* at 6835-36, para. 659; *see also LPTV DTV Third R&O*, 30 FCC Rcd at 14946, para. 40. TV operations are not permitted on channel 37, which is allocated for the Radio Astronomy Service and Wireless Medical Telemetry Service. *See* 47 CFR § 73.603(c). The 614-698 MHz band is comprised of former TV channels 38-51.

[231] *See Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018 Through May 15, 2018, And Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd 1234, 1238 (IATF and MB 2018) (applicants in the post-Incentive Auction special displacement window may apply only for a channel that continues to be allocated to broadcast television service (channels 2-36) and not for channels above 36); 47 CFR § 74.702 (applicants for new LPTV/TV translator stations or for changes in the facilities of an authorized station may select one channel between 2 and 36).

[232] *See Incentive Auction R&O*, 29 FCC Rcd at 6840, para. 670. LPTV/TV translator stations on channels 38 and 44-46 (guard band and duplex gap channels) were required to cease operations no later than the end of the post-Incentive Auction transition period – July 13, 2020. *See id.* at 6841, para. 672. In 2019, the Bureau announced a window filing opportunity for pending applications for new LPTV/TV translator stations on 600 MHz band channels to file an application for a new in-core channel. *See Filing Window for New Rural Digital Low Power Television and TV Translator Applicants Displaced by Incentive Auction and Station Repack December 2, 2019 to January 31, 2020*, Public Notice, 34 FCC Rcd 11064 (IATF and MB 2019). The Bureau set a deadline of January 31, 2020, for such applications to be filed, after which applications that were not amended to specify an in-core channel would be (and were) dismissed. *Id.* at 11065.

[233] NAB Comments at 20.

and silent above channel 36. We adopt the proposal, and the prohibition and related rule changes will become effective 30 days after publication of this *R&O* in the Federal Register.[234]

H. Additional Class A, LPTV, and TV Translator Rule Clarifications

1. DTS Emission Masks

55. As proposed,[235] we will require all transmitters in LPTV Service station DTS[236] facilities to utilize the same emission mask. We also find that all three emission masks referenced in our rules (simple, stringent, and full service) are permissible for use by LPTV Service stations.[237] LPTVBA, NAB, and SBE filed comments in support of these proposals, and no commenters opposed them.[238] To prevent interference to other facilities, all stations must specify an emission mask to be implemented with their DTS facilities;[239] however, the DTS rules adopted by the Commission for LPTV Service stations did not address whether a different type of emission mask could be employed or whether the same emission mask must be used at each DTS site.[240] In order to ensure accurate interference calculations and reduce the potential for interference, we amend our rules to require all LPTV Service DTS facilities utilize the same emission mask at each DTS site.[241] A station is permitted to use any of the emission masks permitted by our rules, so long as the same emission mask is used at all of their DTS transmitter sites.[242]

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[234] *NPRM*, 39 FCC Rcd at 6355, para. 63. We originally intended to make these rule changes effective upon publication of this *R&O* in the Federal Register; however, in order to comply with the requirements of section 553(d) of the Administrative Procedures Act (APA), 5 U.S.C. § 553(d), we shall make these changes effective 30 days after publication. While the Bureau has conducted a thorough review of LMS to ensure no stations remain licensed and operational above channel 36, this delayed effective date will also provide further assurance of that fact and, if there are, provide those stations one final opportunity to locate an in-core channel before being required to cease operations.

[235] *Id.* at 6355-6, para. 65.

[236] A DTS network employs two or more transmission sites located within a station's service area, each using the same RF channel and synchronized to manage self-interference. *See* 47 CFR §§ 73.6023 and 74.720; *Rules Governing the Use of Distributed Transmission System Technologies*, MB Docket No. 20-74, Report and Order, 36 FCC Rcd 1227 (2021).

[237] *See* 47 CFR §§ 73.6023(f)(6), 74.720(e)(6) – App. B – Final Rules. Consistent with the proposal adopted above, DTS operations on channel 14 will not be permitted to use the simple mask. *See supra* Sec. III. F. – Channel 14 Emission Masks.

[238] LPTVBA April 2025 Ex Parte at 2; NAB Comments at 19; SBE Reply at 3.

[239] *See* 47 CFR § 73.611.

[240] As discussed in the *NPRM*, the rulemaking for Class A and LPTV DTS facilities did not seek comment on this issue. *NPRM*, 39 FCC Rcd at 6355, n.242 (citing *Rules Governing the Use of Distributed Transmission System Technologies*, MB Docket No. 20-74, Notice of Proposed Rulemaking, 35 FCC Rcd 3330, 3331 (2020) and *LPTV DTS R&O*, 36 FCC Rcd at 1227).

[241] Pursuant to the procedures set forth in OET Bulletin No. 69, an interference calculation is done for each DTS transmitter site. *See* OET Bulletin No. 69 - Longley-Rice Methodology For Evaluating TV Coverage and Interference (Feb. 6, 2004) a copy of which is available at: https://transition.fcc.gov/oet/info/documents/bulletins/oet69/oet69.pdf. The root-sum-square of all the DTS transmitters is taken at each cell to produce a single interfering signal level, and then that is compared to a given threshold dependent on the emission mask in use. *Id.* Therefore, if each DTS transmitter has employed a different emission mask, then it is not possible to know which interference threshold to use. If different mask filters are specified for different sites in a DTS, the *TVStudy* software applies the threshold belonging to the least restrictive filter to all DTS sites. However, this does not properly reflect the potential interference because some sites would be creating less interference than a prediction using the least restrictive mask filter would suggest. As of the date of the *R&O,* there is only one LPTV Service station, WSJT-LD, Atlantic City, NJ (Fac. ID No. 191421) that has been authorized to operate using DTS. The station specified the same emission mask at all sites. No changes to its

(continued….)

2. Interference Allowance

56. We adopt the *NPRM*'s proposals[243] to apply the same requirements for all LPTV Service stations when entering into an interference agreement.[244] This includes entering into a signed written agreement that is submitted with the application, making clear that agreements may include the exchange of money or other consideration between entities, and permitting previously agreed upon interference thresholds be maintained in the event of facility modifications. LPTVBA, NAB, and Venture supported these proposals.[245] No comments were filed in opposition.

57. LPTV Service stations are permitted to enter into interference agreements that supersede compliance with our interference protection standards, or to unilaterally accept incoming interference in excess of our 2% interference threshold.[246] First, in order to provide clarity and transparency, we amend our rules to require LPTV Service stations seeking to use an agreement to resolve interference concerns to enter into a signed written agreement that is submitted with any application that would exceed the 2% interference threshold and makes clear whether money or other consideration was exchanged.[247] Second, we will allow stations operating pursuant to interference agreements, or that are unilaterally accepting interference from another station, to maintain those agreed upon interference thresholds when modifying a facility. Under our current rule, when an LPTV Service station agrees to accept interference above the threshold permitted by our rules (accepting station) from another broadcast television station (interfering station), if the interfering station subsequently modifies its facilities it must reduce its level of interference to the accepting station to less than 2%.[248] We conclude that this result is unnecessary when stations have either mutually agreed, or a station has unilaterally agreed, to accept a certain level of interference.[249]

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facilities will be needed to comply with our new rule. There are no other pending applications for LPTV Service stations to implement DTS. Applications pending as of the effective date of this new rule will be required to come into compliance with the new emission mask requirement prior to being acted on.

[242] *See* 47 CFR §§ 73.6023(f)(6), 74.720(e)(6) at App. B – Final Rules. As proposed, DTS operations on channel 14 will not be permitted to use the simple mask. *NPRM*, 39 FCC Rcd at 6357, para. 65, n. 244.

[243] *NPRM*, 39 FCC Rcd at 6356, para. 66.

[244] *See* 47 CFR §§ 73.620(e), 73.6022.

[245] LPTVBA April 2025 Ex Parte at 3; NAB Comments at 20; Venture Reply at 7.

[246] *See* 47 CFR §§ 74.703(a), 73.6022; *LPTV DTV First R&O*, 19 FCC Rcd at 19368, paras 106-107.

[247] *See* 47 CFR § 73.620(e).

[248] *See* 47 CFR §§ 74.703(a), 73.6022. For example, Station A (interfering station) and Station B (accepting station) agree that Station A is permitted to cause up to 4% interference to Station B. Station A subsequently proposes to modify its facility whereby it will now cause 3% interference to station B. Under our current rules the application would not be grantable because the modified facility exceeds the 2% interference threshold, even though Station B has previously agreed to receive up to 4% interference. Or instead, Station C (accepting station) is displaced and in order to receive grant of its application, it unilaterally agrees to accept 4% interference from Station D (interfering station). Following grant, Station D proposes to modify its facility that would continue to cause 4% interference to Station C. Again, under our current rules the application would not be grantable because the modified facility exceeds the 2% interference threshold, even though Station C had previously unilaterally agreed to receive 4% interference.

[249] If an accepting station has unilaterally agreed to accept interference from another station, the interfering station would not need to come into compliance with the 2% interference threshold in our rules. Rather, where an accepting station has unilaterally agreed to accept interference above the 2% interference threshold, we will take into account the higher interference percentage when considering an application to modify a facility by either the interfering or accepting station. To the extent an accepting station's modification would result in additional interference, the Bureau may request a new commitment from the accepting station to unilaterally accept additional interference in order to make an application grantable.

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This revision to our rules will not only help maintain the status quo, but preserve existing service to the public based on agreed upon or unilaterally accepted interference levels.

3. Maximum Grid Resolution

58. We adopt our proposal[250] and codify the use of a one square kilometer grid resolution as the maximum permitted in evaluating the interference caused by LPTV Service facilities.[251] In the *LPTV DTV First R&O*, the Commission concluded that setting a one square kilometer maximum grid resolution was appropriate given that LPTV Service facilities had smaller service areas and therefore required a finer grid resolution analysis, but it did not codify the requirement.[252] We continue to believe that one square km is the appropriate maximum grid resolution given LPTV Service facilities' smaller service areas. Although there was no direct opposition to our proposal, NAB, SBE, and LPTVBA raised concerns that the proposal mandated use of the one km grid resolution and no longer permitted the 0.5 kilometer grid resolution.[253] This is not a wholly accurate reading of our proposal. As stated in the *NPRM*, 1 km is a "*maximum*" grid resolution.[254] The *NPRM* went on to note that a smaller grid resolution has been permitted as long as it is specified in the application.[255] As a maximum limit, the proposed rule inherently permits a finer grid resolution. To make this point clear, we adjust the text of the rule to clarify that the finer 0.5 km grid resolution remains available so long as it is specified in an exhibit to the application.

4. Displacement Public Notice Period

59. As proposed,[256] we will eliminate the 30-day public notice period for displacement applications. LPTVBA and NAB support our elimination of this rule and there were no opposing comments.[257] The displacement rule currently states that displacement applications "will be placed on public notice for a period of not less than 30 days to permit the filing of petitions to deny."[258] This comment period was implemented because displacements require channel changes which create a greater concern for interference. At the same time, displacements are considered applications for minor change,

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In the case of an interference agreement between two or more stations, the station seeking to modify its facility will be required to provide a copy of the original interference acceptance agreement with its application in order to enable Bureau staff to confirm that the agreed upon interference threshold has been maintained. Bureau staff may request a new interference agreement be entered into or that the modification application be amended to resolve any interference above the 2% interference threshold or a previously agreed to interference percentage.

[250] *NPRM*, 39 FCC Rcd at 6357-8, para. 69.

[251] *See LPTV DTV First R&O*, 19 FCC Rcd at 19365-6, para. 99.

[252] *Id.* (*citing* Comments of Association of Federal Communications Consulting Engineers and duTriel, Lundin & Rackley, Inc.). Section 74.793(b), which establishes the standard for interference analyses related to LPTV Service stations, makes reference to the thresholds, methods, and criteria specified in 47 CFR § 73.620. 47 CFR § 74.793(b). Specifically, section 73.620(b) permits use of the 2 km grid resolution for full power stations. 47 CFR § 73.620(b). While *LPTV DTV First R&O* clearly stated that a maximum grid resolution of 1 km should be permitted for LPTV Service stations, *see supra* note 251, its exclusion from the CFR has resulted in confusion and required applicants to frequently amend their applications to include a compliant interference analysis.

[253] *See* NAB Comments at 20-22; NAB Reply at 9-10; SBE Reply at 3-4; and LPTVBA Reply at 11 (all maintaining that the finer 0.5 kilometer grid resolution should be allowed); *see also* LPTVBA April 2025 Ex Parte at 4 (clarifying that it is "amenable to the codification of this grid resolution provided that the Commission continues to permit use of the smaller 0.5 kilometer grid resolution where appropriate").

[254] *NPRM*, 39 FCC Rcd at 6357-8, para. 69 (emphasis added).

[255] *Id.* at 6357, n.256.

[256] *Id.* at 6358, para. 70.

[257] LPTVBA April 2025 Ex Parte at 3; NAB Comments at 22.

[258] 47 CFR § 74.787(a)(4) (displacement rule).

and other minor change applications are not subject to the 30-day period for interested parties to file a petition to deny.[259] We find that requiring a displaced LPTV/TV translator station to wait a full 30 days to receive action on its displacement application may result in avoidable loss of service to viewers or continued loss of service to viewers by delaying Commission action and thereby a station's ability to construct and commence operating from its displacement facility. Although we could retain the 30-day rule and those stations needing to immediately begin operating their proposed displacement facilities could obtain special temporary authority to begin operating during the pendency of their displacement application, we believe this places additional unnecessary burdens on licensees given the comprehensive interference analysis that is conducted by the Bureau when acting on a displacement application. Therefore, to minimize service disruptions to the public, expedite processing and construction, reduce burdens on stations and the Commission, and streamline the displacement process, we eliminate the 30-day public notice period for displacement applications.[260]

5. Displacement Eligibility Revisions

60. We adopt our proposals and clarify our displacement rule to more clearly enumerate the precise circumstances that qualify LPTV/TV translator stations for a displacement channel.[261] Commenters generally agreed with our proposals.[262] We find that more clearly enumerating the circumstances where displacement applies will make it easier for licensees to determine if their station has in fact been displaced, streamline the processing of displacement applications, and maximize service to the public. In addition to clarifying our existing displacement criteria, we also expand displacement eligibility to include interference to TV translator input channels. We also aim to expedite processing of displacement applications by requiring applicants provide a brief explanation of the basis for their displacement. Although we decline to adopt the proposal submitted by commenters to allow displacement for channel sharing "sharee" stations that wish to cease channel sharing and return to their own separate channel,[263] we will instead permit such changes via an application for major modification.

61. *Displacement Caused by Actual Interference.* First, we clarify what is meant by "*causing or receiving interference*" as used in section 74.787(a)(4) of our rules.[264] We revise our rules to make clear that this basis for displacement refers to "actual" interference received by a TV broadcast station (i.e., a full power television station) from an LPTV or TV translator station.[265] While LPTV/TV translator stations are permitted to cause up to 0.5% predicted interference to a full power station, as a primary service full power stations are protected from actual interference within their noise limited service contour, even if the predicted interference is below the 0.5% threshold.[266] In the *NPRM*, we also proposed establishing a standard for stations to demonstrate actual interference.[267] Our proposals

[259] 47 CFR § 73.3584.

[260] 47 CFR § 74.787(a)(4). We will also remove similar language from 47 CFR § 74.732(d). Affected parties that want to oppose grant of a displacement application may still file an informal objection prior to Commission action, 47 CFR § 73.3587, and seek reconsideration up to 30 days after the grant. 47 CFR § 1.106. In addition, affected parties at any time may report interference concerns that arise after displacement facilities are constructed and operating.

[261] *See NPRM*, 38 FCC Rcd at 6358-61, paras. 71-78.

[262] *See, e.g.,* NAB Comments at 22.

[263] *See* ATBA Comments at 16-18 and April 2025 Ex Parte at 16-18. *See* LPTVBA Reply at 6-7; Venture Reply at 2.

[264] *See NPRM*, 39 FCC Rcd at 6359-60, para. 74; 47 CFR § 74.787(a)(4) (emphasis added).

[265] TV broadcast station is defined in the rules as a full power television station. *See* 47 CFR § 73.601.

[266] *See* 47 CFR § 74.703(b).

[267] *NPRM*, 39 FCC Rcd at 6359-60, para. 74 (proposing specific criteria stations could demonstrate to show actual interference). As discussed in the *NPRM*, actual interference caused by a TV broadcast station to an LPTV/TV

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received very limited comments[268] and given the paucity of the record on this issue, we decline to adopt these proposals. We will continue to examine claims of displacement based on actual interference caused to a full power television station within its NLSC on a case-by-case basis based on the unique facts presented.

62. *Displacement Caused by Predicted Interference.* Second, we revise the displacement rule to clarify the levels of "*predicted*" interference that is "cause[d] or receive[d]" that qualifies a station for a displacement channel.[269] We received no comments on this matter. Under our revised rule, predicted interference "*caused*" to a TV broadcast station must exceed the 0.5% *de minimis* interference threshold specified in section 74.793(e) of our rules to qualify the station to file a displacement application.[270] With respect to predicted interference "*received*" from a TV broadcast station, the predicted interference must exceed the 2% interference threshold specified in section 74.793(h) of our rules to qualify the station to file a displacement application.[271] We do not anticipate that this clarification of what is meant by "*predicted*" interference will materially alter the scope and application of the existing displacement rule. Our decision today is not intended to expand or restrict displacement eligibility for predicted interference beyond the scope of the current rule. It is also not intended to modify our current interference thresholds (i.e., 0.5% or 2%). Instead, this revision is intended to clarify what is meant by the word "*predicted*" in the context of our current interference thresholds.

63. *Displacement Caused by "Other Protected Station or Service."* Third, we revise the displacement rule to make clear what "other protected station or service" means by adding two specific situations that would qualify an LPTV/TV translator station to seek a displacement channel: (1) interference to LMR facilities[272] and (2) interference to/from protected television facilities in Canada and Mexico.[273] LPTVBA supported these revisions and no other party provided comment.[274] We find memorializing such circumstances involving "other protected station or service" as qualifying an LPTV/TV translator station for displacement in our rules will help provide certainty for licensees.

64. *Displacement Caused by Interference to Input Channels*. Fourth, we add as a basis for displacement interference caused by an LPTV/TV translator station to a TV translator input channel.[275]

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translator has not historically been used for determining displacement of an LPTV/TV translator station. Because LPTV/TV translator stations are secondary and may receive up to 2% predicted interference before being displaced, the presence of actual interference cannot reliably be utilized to demonstrate displacement. As such we did not propose to include it in our updated displacement definition. *id.* at 6360, n.273. There was no objection to this tentative conclusion and we continue to believe, as stated in the *NPRM*, that LPTV/TV translator stations that would receive actual interference significant enough to warrant displacement from a TV broadcast station will be able to demonstrate it via our predicted interference method. *id.*

[268] LPTVBA was the only party to comment on these proposals, generally supporting the proposal to establish, as the baseline for an LPTV or translator station to qualify for displacement, at least one report of actual interference received by a full power TV station within its community of license or multiple reports of actual interference to a full power TV station within its protected contour. *See* LPTVBA April 2025 Ex Parte at 3-4.

[269] *See NPRM*, 39 FCC Rcd at 6360, para. 75; 47 CFR § 74.787(a)(4) (emphasis added).

[270] *See* 47 CFR § 74.793(e).

[271] 47 CFR § 74.793(h).

[272] *See* 47 CFR 74.703(e) ("Low power TV and TV translator stations are being authorized on a secondary basis to existing land mobile uses and must correct whatever interference they cause to land mobile stations or cease operation").

[273] *See NPRM*, 39 FCC Rcd at 6360-61, para. 76; 47 CFR § 74.787(a)(4) (emphasis added).

[274] LPTVBA April 2025 Ex Parte at 4.

[275] *See NPRM*, 39 FCC Rcd at 6361, para. 77.

LPTVBA and NAB supported this change, and no opposition was filed.[276] As has been previously discussed, TV translators serve areas that would otherwise be unable to receive television service and are often found in rural and mountainous areas.[277] TV translator input channels provide TV translators a means to receive the programming that they are translating. In many cases, the only means for TV translators to receive programming they translate is through an over-the-air TV channel as they do not have access to other wired or wireless means of receiving the programming. While translator inputs are not "protected services," and our decision here does not change that, we conclude it is in the public interest to provide LPTV/TV translators the ability to seek displacement relief in order to help prevent interference to input channels given their often critical role in enabling TV translators to serve their viewers. Enumerating this basis in our rule will also help reduce burdens on stations by allowing stations to file for displacement without the need for waiver.[278]

65. *Displacement Caused by Full Power Channel Substitutions*. Fifth, we adopt our proposal[279] to clarify when an LPTV/TV translator station displaced by a full power station's channel substitution may apply for displacement. Specifically, we amend our rules to specify that such displacement applications cannot be filed until the report and order granting the channel substitution and amending the Table of TV Allotments is effective.[280] LPTVBA and NAB support this rule clarification, and there were no opposing comments.[281] Currently, there is no rule that dictates when an LPTV/TV translator that is displaced by a full power television station's channel substitution may file its displacement application. This has led to LPTV/TV translator stations filing a displacement application prior to the channel substitution becoming effective and the displacement application being deemed a contingent application.[282] This revision to our rules will ensure that the station is in fact qualified for displacement and prevent stations from prematurely reserving spectrum on a contingent basis. We do not anticipate that this will unduly delay construction of the displacement facility or result in service

[276] *See* LPTVBA April 2025 Ex Parte at 4; NAB Comments at 22.

[277] *See supra* para. 3.

[278] We amend the rule proposed in the *NPRM* to make clear that (1) the basis for demonstrating interference in this circumstance may be "actual" or "predicted" and (2) that interference must be measured in relation to the input channel receive site. The proposed rule was not clear as to the type of interference that may be demonstrated (i.e. actual and/or predicted) and stated that the input channel facilities had to be "located at the same or a nearby location" as the station applying for displacement. While proximity to an input channel's receive site is likely to increase the potential for interference, we find that such a requirement may be too vague and/or restrictive. Our underlying intent is to ensure that LPTV/TV translator stations have flexibility to resolve interference that could impede a TV translator, DRT, or DTDRT station's ability to receive the programing that it is retransmitting.

[279] *NPRM*, 39 FCC Rcd at 6358-59, paras. 71-72.

[280] A full power television station seeking to change its operating channel must first submit a petition for rulemaking requesting that the Bureau change the Table of TV Allotments to reflect the new channel. *See* 47 CFR §§ 1.420, 73.622(j). If approved, the Bureau issues a report and order approving the channel substitution and amending the Table of TV Allotments. It also orders the station to file an application for minor change in order to modify its facilities to the new channel. *See* 47 CFR § 73.3572(a)(1). The report and order also includes a date upon which the channel change is "effective," typically the date the report and order is published in the Federal Register. *See, e.g., Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Missoula, Montana)*, MB Docket No. 23-280, Report and Order, 39 FCC Rcd 4011, 4013, para. 7 (MB 2024).

[281] *See* LPTVBA April 2025 Ex Parte at 3; NAB Comments at 22.

[282] *See* 47 CFR §§ 73.3517 and 74.780 (prohibiting the filing of contingent applications). In past such cases, the Bureau has either dismissed or requested that the applicant withdraw their displacement application.

interruptions as a full power station that is granted a channel substitution needs time to construct its new facility, thus providing a displaced station ample time to construct its own facility.[283]

66. *Displacement Exhibit.* Finally, in order to expedite the processing of displacement applications so that displaced stations can obtain an authorization, quickly begin construction of their displacement facility, and preserve service to the public, we require that applicants for displacement include an exhibit briefly describing the specific cause of displacement.[284] LPTVBA is the only party that commented on this proposal and supports the revision.[285] It is not always clear from the technical information provided in a displacement application as to how a station's facilities were displaced and in those cases Bureau staff must inquire with the applicant before being able to complete processing. This can delay processing and grant of the displacement application and prevent a displaced station from beginning construction of its displacement facilities. We find that requiring a brief description to be filed with the displacement application is a small task to ask of applicants to prevent such delays.[286]

67. *LPTV Channel Sharing.* In the *NPRM*, the Commission sought comment on "whether there are other situations . . . that otherwise would serve the public interest, that we should consider permitting as a basis for displacement."[287] ATBA suggested that channel sharing LPTV/TV translator stations should be permitted to file a displacement application in order to obtain their own, individual channel.[288] LPTV/TV translator stations are permitted to relinquish their licensed channel (sharee station)[289] and enter into a channel sharing agreement (CSA) in order to share the licensed channel of another station (host station).[290] Upon termination of a CSA, whichever station that does not retain rights in the shared channel under the terms of the CSA must either find a new host to share with or, because it no longer has a channel on which to operate, submit its license for cancellation.[291] Previously, the Commission's LPTV/TV translator channel sharing rules did not specifically state whether "orphaned"

[283] In unique circumstances where a full power station is prepared to quickly move to its new channel, an LPTV/TV translator station may seek waiver and apply for special temporary authority to commence operations on its planned displacement channel. The Bureau should otherwise dismiss, without prejudice, displacement applications that are filed before the effective date of any report and order granting a full power station's channel substitution and amending the Table of TV Allotments.

[284] *See NPRM*, 39 FCC Rcd at 6359, para. 73. We also revise, as proposed, section 74.787(a)(4)(v) to add a cross reference to 47 CFR § 74.787(a)(5)(iii), which makes clear that analog to digital replacement translators and digital-to-digital replacement translators have processing priority over LPTV and TV translator stations. This is a ministerial change. *See id.* at 6359, n.269.

[285] *See* LPTVBA April 2025 Ex Parte at 3.

[286] In addition to any technical analysis that would ordinally be provided, the description could be as simple as an exhibit citing to the basis for displacement in the rule.

[287] *NPRM*, 39 FCC Rcd at 6361, para. 78.

[288] ATBA Comments at 16-18 and April 2025 Ex Parte at 16-18.

[289] *See generally* 47 CFR § 74.799; *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations*, Public Notice, 32 FCC Rcd 3860, 3872, n.84 (IATF and MB 2017) ("Sharee" stations are stations that return their channel to the Commission in order to share with another "sharer" station".).

[290] CSAs are required to outline each licensee's rights and responsibilities related to operations on the shared channel. 47 CFR §§ 74.799(d), (e). LPTV/TV translator station may relinquish its channel in order to share with any other LPTV, Class A or full power station. 47 CFR § 74.799(a)(1).

[291] *See* 47 CFR § 74.799(b); *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations*, Public Notice, 32 FCC Rcd 3860, 3872, n. 84 (IATF and MB 2017) ("Sharee" stations are stations that return their channel to the Commission in order to share with another "sharer" or host station.).

channel sharing stations could file an application for a new channel upon termination of their CSA.[292] We decline to adopt ATBA's proposal requesting that orphaned LPTV/TV translator stations be permitted to resume independent non-shared operation through use of the displacement process.[293] Instead, we believe a more appropriate process for LPTV/TV translator channel sharing stations to reacquire their own channel is through our existing major modification process.

68. Displacement is intended to be for LPTV/TV Translator stations to obtain a new channel in order to prevent interference to/from a broadcast television station, other protected service, or for other qualifying reason. While channel sharing may also be utilized to address displacement, there are a myriad of other reasons a station may choose to channel share (e.g., financial or business reasons, loss of its tower site, etc.). As a result, we believe that the use of the displacement process in the context of channel sharing is not the proper procedure for channel sharers to obtain an independent channel outside the post-incentive auction context. Nevertheless, we agree with commenters that it is appropriate to provide LPTV/TV translator sharee stations an avenue to obtain a new non-shared channel and continue serving the public, especially in circumstances where a station's channel sharing arrangement has expired or was terminated.[294] As such, we use this opportunity to make clear that LPTV/TV translator sharees that relinquished their operating channels in order to channel share with another television station may use our existing major modification application process to apply for a new, non-shared channel.[295] We make this explicit in our rules. We find the major modification process will still address commenters concerns and permit LPTV/TV translator sharee stations to continue operating once their channel sharing arrangement has ended and help preserve their service to the public.[296]

6. Program Test Authority Rule for LPTV/TV Translators

69. We adopt the proposal in the *NPRM*[297] and make our part 73 "program test authority" (PTA) rule applicable to LPTV/TV translator stations.[298] LPTVBA and NAB supported the proposal, and

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[292] Our rules only address what occurs in the event that the license of a station that is a party to a CSA is terminated or the rights under the CSA are transferred or assigned. 47 CFR §§ 74.799(e), (f).

[293] ATBA Comments at 16-18 and April 2025 Ex Parte at 16-18. *See also* LPTVBA Reply at 6-7; Venture Reply at 2.

[294] The Bureau may consider waivers, including for stations whose arrangements have expired or will expire prior to the end of the freeze. We instruct the Bureau to review waivers on a case-by-case basis under the general waiver standard set forth in the rules. *See supra* note 86 (discussing Commission's general waiver standard). The Bureau should view waiver requests favorably where the applicant can demonstrate that its channel sharing arrangement has been terminated for reasons beyond its control (e.g., its arrangement expired by its own terms or through the actions of its channel sharing partner), the station has or will be required to go silent prior to lifting of the major modification freeze, and the licensee has undertaken reasonable efforts to extend its channel sharing agreement until such time as the freeze is lifted. *See Freeze Lift PN* and *Extension PN, supra* note 81,

[295] Major modification applications are filed on FCC Form 2100, Schedule C. We note that, prior to the LPTV/TV translator filing a major modification application specifying a new, non-shared channel, an application for modification of license to dissolve the existing channel sharing arrangement must be filed. This would be done using FCC Form 2100, Schedule D.

[296] In order for a station to commence operations prior to grant of its major modification application, it may seek special temporary authority on its proposed new channel during the pendency of its application, so long as such application is not mutually exclusive. *See* 47 CFR 74.787(a)(3) (discussing mutually exclusivity). Our action today does not modify our channel sharing rules with regards to Class A or full power stations.

[297] *NPRM*, 39 FCC Rcd at 6361, para. 79.

[298] A permittee, upon completion of their facility and following equipment tests, 47 CFR § 73.1610, may commence operations pursuant to "program test authority" provided that: (1) an application for license is filed within 10 days of the commencement of program tests, and (2) the construction permit does not contain any special operating conditions that prohibit automatic program test authority. 47 CFR § 73.1620(a).

there were no opposing comments.[299] Currently, full power and Class A stations, with certain limited exceptions (e.g., stations permitted to operate on channel 14),[300] may begin operating under PTA after completion of a facility provided that an application for license to cover is filed within ten days of commencing operations.[301] Applying the part 73 PTA rule to LPTV/TV translator stations will provide these stations with the same flexibility as full power and Class A stations to begin operating automatically pursuant to PTA, with certain exceptions, so that they may more expeditiously start providing new and modified service to the public.[302] However, we remind LPTV/TV translator stations that if they take advantage of this new streamlined process for commencing operations, they must still submit an application for license after completing construction and within ten days of commencing PTA.[303] Stations should also carefully inspect their construction permits to ensure there are not any special conditions that require Commission approval before commencing program test authority.[304]

I. Part 73 and Part 74 Ministerial Rule Corrections

70. We adopt our proposal[305] and make minor editorial changes to our rules that were a result of inadvertent oversights in in the *2022 Part 74 Order*[306] and *2023 Part 73 Order*.[307] We received comments in support of these proposed changes from the LPTVBA, with no opposition.[308] With regards to our part 74 rules, we (1) remove the duplicate definitions in section 74.701(f) and (k), and (a) and (j) and re-letter the remaining paragraphs as (a) through (g);[309] (2) remove the remaining instances of the

[299] *See* LPTVBA April 2025 Ex Parte at ("this rule change will ensure that low power stations have the same flexibility to begin operating automatically pursuant to program authority as full-power stations, while also making clear to permit holders that they are required to submit an application for license after completing construction and within ten days of commencing PTA"); NAB Comments at 22.

[300] 47 CFR § 73.1620(a)(1) (requiring television stations authorized on channel 14 to comply with 47 CFR § 73.617(b)(2)(ii) prior to commencing operations).

[301] 47 CFR § 73.1620(a). *See also Reregulation and Oversight of the Rules for Radio and TV Broadcasting*, 76 F.C.C.2d 40 (1980) (allowing for the first time most broadcast permittees to begin program test authority operations automatically provided they submit an application for license within 10 days). We note that section 74.14 of the part 74 rules also permits certain stations to begin operating pursuant to program test authority; however, that rule states that it applies to "radio stations" and does not specifically apply to LPTV/TV translators. 47 CFR § 74.14.

[302] *See, e.g.,* 47 CFR § 73.1620(a) (requiring television stations on channel 14 to seek approval prior to commencing operations pursuant PTA).

[303] 47 CFR § 73.1620(a)(1).

[304] We note that television stations on channel 14 will continue to be required to seek approval prior to commencing operations pursuant to program test authority. *See* 47 CFR § 73.1620(a). The Commission or the Bureau under its delegated authority may also continue to place conditions as may be necessary on a station's construction permit requiring grant of program test authority prior to commencing operations.

[305] *NPRM*, 39 FCC Rcd at 6362-63, paras. 80-83.

[306] *See Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, Update of Parts 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations*, MB Docket Nos. 03-185 and 22-261, Order and Sixth Notice of Proposed Rulemaking, 37 FCC Rcd 8173 (2022) (*2022 Part 74 Order*); *Erratum*, FCC 22-58 (rel. Sept. 9, 2022).

[307] *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, 38 FCC Rcd 8706 (2023) (*2023 Part 73 Order*).

[308] LPTVBA April 2025 Ex Parte at 4 ("these changes will provide LPTV/TV translator licensees with more clarity and consistency, which will offer more transparency and ease the burdens of rule compliance").

[309] 47 CFR §§ 74.701(a), (f), (j), and (k). We also update the cross-references in 47 CFR §§ 11.11(b), 11.51(e), 73.3580(a)(3), 74.783(a), 74.783(a)(1), and 74.790(g)(2) to reflect the new lettering to be consistent with the definitions. In addition, we update 47 CFR §§ 74.732(d), 74.783(a), (a)(1), 74.784(e), and 74.791 (a), (b), (c) to be (continued….)

word "digital" from sections 74.720, 11.11(a) and (b), 11.51(e), and 11.61 of our rules given that all LPTV/TV translator stations now solely operate in digital mode;[310] and (3) reorganize and amend section 74.780 based on the service(s) each subsection listed therein is applicable to, and remove the cross-reference to section 73.1692 since that section was previously removed from the rules.[311] With regards to our part 73 rules we (1) amend section 73.7003 to reflect the proper cross reference to section 73.618 instead of 73.685, which was relocated to section 73.618;[312] (2) update the reference in section 73.7003(b)(4) which references a station's analog service "Grade B" contour to instead reference the correct "NLSC" which is used for digital stations;[313] (3) amend the internal cross-reference in section 73.7003(c)(5)(ii) to reference paragraph (c)(5)(i) instead of a nonexistent rule reference; (4) replace a reference to "DTV" in 73.619(b)(1) with "TV" consistent with other similar replacements in the *2023 Part 73 Report and Order*;[314] (5) update references in sections 73.625(c)(4)(i) and 73.6002(a)(2) to reference updated Commission forms names;[315] and (6) correct typographical errors in section 73.2080(f)(3).[316]

J. Matters Outside of the Scope of This Proceeding

71. We received several proposals that we find propose material changes to our rules or for us to take other actions outside the scope of this proceeding, including requests to allow LPTV Service stations to operate with additional power,[317] allow more LPTV stations to upgrade to Class A status,[318] grant must carry status to Class A and LPTV stations,[319] add Class A stations to the Table of TV

(Continued from previous page)
consistent with the terms and abbreviations in the adopted § 74.701. While these updates were not proposed in the *NPRM*, we find that notice and comment procedures are unnecessary under the "good cause" exception of the Administrative Procedure Act because the changes constitute routine "clean-up" matters that entail no substantive decisions of any consequence or significance to industry or the general public. *See* 5 U.S.C. § 553(b)(3)(B) (notice and comment is not necessary "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest").

[310] *2022 Part 74 Order*, 37 FCC Rcd at 8176, para. 6.

[311] *See Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification*, MB Docket No. 93-177, Third Report and Order and Second Order on Reconsideration, 28 FCC Rcd 12555 (2013).

[312] *2023 Part 73 Order*, 38 FCC Rcd at 8710, para. 9, n.27.

[313] *Id.* at 8709, para. 7, n.19.

[314] *Id.* at 8711-2, para. 10, n.28.

[315] *Id.* at 8716-7, para. 18. We update references to Forms 301 and 340 and Form 302-CA to Form 2100, Schedule 301-AM and Form 2100, Schedule F, respectively.

[316] We remove four instances of a struck "s" at the end of the word "Form" in section 73.2080(f)(3). The *NPRM* also proposed fixing a typographical error in 47 CFR § 73.4060(a). *NPRM*, 39 FCC Rcd at 6364, para. 84. Although the modification was unopposed, we decline to implement this change in light of the recent action taken by the Commission to remove 47 CFR 73.4060 from the Code of Federal Regulations. *See Delete, Delete, Delete,* GN Docket No. 25-133, Direct Final Rule, FCC 25-51 at 8 (rel. Aug. 8, 2025) (removing 47 CFR §§ 73.4000 through 73.4280); 90 Fed. Reg. 40536 (Aug. 20, 2025).

[317] *See* ATBA Comments at 11-12 and April 2025 Ex Parte at 11-12; Bruno Reply at 5; Columbus Comments at 2; Engle Reply at 2-3; Gray Reply at 5; LPTVBA Comments at 19-20 and Exhibit A and Reply at 7-8; Kuenzie Reply at 1; WCEA Reply at 1; NAB Reply at 10; SBE Reply at 5; Sunshine Reply at 3; Vision Reply at 1; Three Angels Reply at 1; WBON Reply at 1; Tyche Reply at 2; Venture Reply at 6; and Weigel Reply at 4.

[318] *See* Engle Reply at 2; Gray Reply at 5; Kuenzie Reply at 1; LPTVBA Reply at 8; Sagamore Comments at 2; Three Angels Reply at 2; Venture Reply at 8-9; and Vision Reply at 2; and WBON Reply at 2-3.

[319] *See* Engle Comments at 1; Venture Comments at 1; and WCEA Comments at 1.

Allotments,[320] end certain requirements for ATSC 3.0 operations,[321] reduce EAS requirements for LPTV stations,[322] eliminate the condition placed on LPTV Service licenses related to construction and continuous operations,[323] and rename the Low Power Television Service to the Local Power Television service.[324] We decline to consider or take action on these requests. In declining to consider or take action, we note that the *NPRM*'s scope was expressly limited to the specific matters raised therein and certain matters were explicitly ruled out for consideration in this proceeding.[325] We see no reason to vary from that path. Further, some of these proposals appear to have been raised in our *Delete, Delete, Delete* proceeding,[326] and are more appropriately considered in the context of other open proceedings,[327] or were previously raised and rejected as actions beyond the scope the Commission's authority.[328]

K. Cost/Benefit Analysis

72. After evaluating the record received in response to the *NPRM*'s request for comment on the benefits and costs associated with adopting the proposals set forth in the *NPRM*, we conclude that to the extent that the revised rules impose any costs on Commission licensees and regulatees, such costs will

[320] *See* One Ministries Reply at 2.

[321] *See* ATBA April 2025 Ex Parte at 9-10 (requesting that the Commission revisit the ATSC 3.0 simulcasting requirement, substantially similar rule, and 95% coverage threshold for expedited processing).

[322] *See id.* at 9.

[323] *See* LPTVBA Comments at 2; Three Angels Comments at 2; Venture Comments at 2; and Vision Comments at 2; ATBA April 2025 Ex Parte at 4.

[324] *See* LPTVBA Comments at 10; WBON Comments at 1; and Tyche Comments at 1.

[325] *See NPRM*, 39 FCC Rcd at 6322, n.27 (declining to consider power increases for the LPTV Service); *id.* at 6322-23, n.28 (declining to consider whether to permit additional stations to conduct "FM6" operations and specific matters with respect to One Ministries' KKPM-CD, Yuba City, CA); *id.* at 6331, n.86 (declining to revisit prior Commission decisions rejecting requests to extend must carry rights to Class A stations).

[326] *See, e.g.*, Comments of Advanced Television Broadcasting Alliance, GN Docket No. 25-133 (Apr. 11, 2025) (advocating for LPTV power increases and for certain revisions to the ATSC 3.0 rules); Reply of LPTV Broadcasters Association, GN Docket No. 25-133 (Apr. 28, 2025) (advocating for Class A and LPTV power increases); Reply of Venture Technologies, GN Docket No. 25-133 (Apr. 28, 2025) (advocating for LPTV power increases); Comments of Ron Bruno, The Videohouse, Inc., GN Docket No. 25-133 (Apr. 11, 2025) (advocating for LPTV power increases).

[327] *See, e.g.*, *Media Bureau Seeks Comment on Petition for Rulemaking and Future of Television Initiative Report Filed by The National Association of Broadcasters to Facilitate Broadcasters' Transition to Nextgen TV*, Public Notice, DA 25-314 (MB Apr. 7, 2025); Application for Review of Digital Networks Southeast, LLC, LMS Pleading 0000211528 (filed Feb. 28, 2023) (seeking review of the Bureau's LPTV license condition), subsequent history omitted.

[328] *See, e.g.*, *LPTV DTV Third R&O*, 25 FCC Rcd at 14952, para. 51 (declining any proposal that would have allowed LPTV and/or TV translator stations to obtain primary status); *Incentive Auction R&O*, 29 FCC Rcd at 6839, para. 667 (rejecting calls to provide displaced LPTV stations with cable carriage rights and declining to grant carriage rights beyond those required under the Communications Act); *LPTV DTV Third R&O*, 25 FCC Rcd at 14953, para. 57 (rejecting proposals that would afford LPTV and TV translator stations more expansive cable carriage rights than those provided in the Communications Act); *Update of Part 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations*, MB Docket No. 22-261, Report and Order, 38 FCC Rcd 3487, 3507, para. 47, n.139 (2023) (*2023 Part 74 Report and Order*) ("Because several of our rules stem from statutory requirements, and because Congress has used the term "low power television," we believe that changing this term would result in inconsistencies between the statute and the rules and would create, not eliminate, confusion within our rules").

be minimal and are outweighed by the benefits of the revised rules.[329] Any comments received related to potential costs imposed on Commission licensees and regulatees as a result of revised proposals have been addressed as part of those specific proposals.

IV. PROCEDURAL MATTERS

73. *Paperwork Reduction Analysis*. Amended sections 73.3700(g)(4), 73.6001, 73.6002, 74.787, 74.791 and 74.793, 47 CFR §§ 73.3700(g)(4), 73.6001, 73.6002, 74.787, 74.791 and 74.793 may contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).[330] All such new or modified requirements will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other federal agencies will be invited to comment on any new or modified information collection requirements contained in this proceeding. In addition, we note that, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), in the *NPRM*, the Commission previously sought specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.[331]

74. Additionally, this document may contain non-substantive modifications to approved information collections. Any such modifications will be submitted to OMB for review pursuant to OMB's non-substantive modification process.

75. In this present document, we have assessed the effects of the various new or modified information collection requirements adopted herein and find that they will not impose significant costs on stations because similar application and filing requirements currently exist for many stations and they are likely to be familiar with the forms and processes required for compliance. Further, where possible, the Commission exempts application fees for certain new requirements. To the extent that the requirements impose additional costs on small entities, such costs should be minimal and are outweighed by the benefits of the revised requirements, and would apply equally to small and large entities.

76. *Congressional Review Act*. The Commission has determined and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is "non-major" under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this *R&O* to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

77. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),[332] requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."[333] Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of rule and/or policy changes contained in this *R&O* on small entities. The FRFA is set forth in Appendix C.

78. *People with Disabilities*. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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[329] *NPRM*, 39 FCC Rcd at 6363, para. 84 (seeking comment on the benefits and costs associated with adopting the proposed changes).

[330] Pub. L. No. 104-13.

[331] *See NPRM*, 39 FCC Rcd at 6365, para. 89.

[332] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996)..

[333] *See id.* § 605(b).

79. *Additional Information*. For additional information on this proceeding, contact Shaun Maher, Video Division, Media Bureau at Shaun.Maher@fcc.gov or (202) 418-2324; or Mark Colombo, Video Division, Media Bureau at Mark.Colombo@fcc.gov or (202) 418-7611.

V. ORDERING CLAUSES

80. Accordingly, **IT IS ORDERED**, pursuant to the authority contained in sections 1, 4, 301, 303, 307, 308, 309, 310, 316, 319, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, and 336, this Report and Order **IS ADOPTED**.[334]

81. **IT IS FURTHER ORDERED** that this Report and Order **SHALL BE EFFECTIVE** 30 days after publication in the *Federal Register*, except that the amendments to sections 73.3700(g), 73.6001, 73.6002, 74.787, 74.791, 74.793, and 74.799, 47 CFR §§ 73.3700(g)(4), 73.6001, 73.6002, 74.787, 74.791, 74.793, and 74.799, which may contain new or modified information collection requirements, will not become effective until the Office of Management and Budget completes review of any information collections that the Media Bureau determines is required under the Paperwork Reduction Act. The Commission directs the Media Bureau to announce the effective date for sections 73.3700(g), 73.6001, 73.6002, 74.787, 74.791,74.793, and 74.799, 47 CFR §§ 73.3700(g)(4), 73.6001, 73.6002, 74.787, 74.791, 74.793, and 74.799, by notice in the Federal Register and by subsequent Public Notice.

82. **IT IS FURTHER ORDERED** that the Office of the Secretary, **SHALL SEND** a copy of the Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

83. **IT IS FURTHER ORDERED** that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of this Report and Order to Congress and to the Government Accountability Office.

84. **IT IS FURTHER ORDERED** that should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 24-148 **SHALL BE TERMINATED** and its docket closed.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[334] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

APPENDIX A
LIST OF COMMENTERS
(and shorthand names)

Comments

Advanced Television Broadcasting Alliance (ATBA)
America's Public Television Stations and the Public Broadcasting Service (APTS)
CMC Broadcasting Co Inc. (CMC)
Columbus Broadcasting Corporation (Columbus)
Engle Broadcasting LLC (Engle)
Gray Television, Inc. (Gray)
LPTV Broadcasters Association (LPTVBA)
MSGPR Ltd Co (MSGPR)
National Association of Broadcasters (NAB)
National Religious Broadcasters (NRB)
National Translator Association (NTA)
REC Networks (REC)
Richard Dalton (Dalton)
Ron Bruno aka the Videohouse (Bruno)
Sagamore Hill Broadcasting II, LLC (Sagamore)
Venture Technologies Group, LLC (Venture)

Reply Comments

Ellington Broadcasting (Ellington)
Engle Broadcasting, LLC
Gray Television, Inc.
KADO-CD (KADO)
Ken Kunzie (Kunzie)
LPTV Broadcasters Association
National Association of Broadcasters
One Ministries, Inc. (One Ministries)
Ron Bruno aka The Videohouse
Society of Broadcast Engineers, Inc. (SBE)
Sunshine Broadcasting (Sunshine)
Three Angels Broadcasting, Inc. (Three Angels)
Tyche Media LLC and Intrigue TV (Tyche)
TZ Sawyer Technical Consultants (TZ Sawyer)
Venture Technologies Group, LLC
Vision Communications, LLC (Vision)
WBON-LD (WBON)
WCEA (WCEA)
Weigel Broadcasting (Weigel)

Ex Partes

Advanced Television Broadcasting Alliance, May 30, 2024
Advanced Television Broadcasting Alliance, April 14, 2025
Advanced Television Broadcasting Alliance, April 23, 2025
America’s Public Television Stations and Public Broadcasting Service, September 19, 2024
America’s Public Television Stations and Public Broadcasting Service, October 9, 2024

CMC Broadcasting Co Inc., May 23, 2024
Karlo Maalouf (Maalouf), June 1, 2024
Low Power Television Broadcasters Association, June 1, 2024
Low Power Television Broadcasters Association, April 16, 2025
National Association of Broadcasters, June 6, 2024
National Association of Broadcasters, October 8, 2024
One Ministries, Inc., May 17, 2024
One Ministries, Inc., May 23, 2024
One Ministries, Inc., June 14, 2024
One Ministries, Inc., September 19, 2024
Steven D. Ritchie (Ritchie), May 28, 2024
The Dove (Dove), May 22, 2024
Venture Technologies Group, LLC, September 10, 2024

APPENDIX B

FINAL RULES

The Federal Communications Commission proposes to amend 47 CFR parts 11, 73, and 74 to read as follows:

Part 11 of Title 47 of the U.S. Code of Federal Regulations is proposed to be amended to read as follows:

PART 11 – EMERGENCY ALERT SYSTEM (EAS)

1. The authority citation for part 11 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i) and (o), 303(r), 544(g), 606, 1201, 1206.

2. Section 11.11 is amended by revising paragraphs (a) and (b) to read as follows:

§ 11.11 The Emergency Alert System (EAS).

(a) The EAS is composed of analog radio broadcast stations including AM, FM, and Low-power FM (LPFM) stations; digital audio broadcasting (DAB) stations, including digital AM, FM, and Low-power FM stations; ~~Class A television (CA) and Low-power TV (LPTV) stations; digital~~ television (~~D~~TV) broadcast stations, including ~~digital (CA)~~ **Class A** and ~~digital~~ **low power TV (**LPTV**)** stations; analog cable systems; digital cable systems which are defined for purposes of this part only as the portion of a cable system that delivers channels in digital format to subscribers at the input of a Unidirectional Digital Cable Product or other navigation device; wireline video systems; wireless cable systems which may consist of Broadband Radio Service (BRS), or Educational Broadband Service (EBS) stations; DBS services, as defined in § 25.701(a) of this chapter (including certain Ku-band Fixed-Satellite Service Direct to Home providers); and SDARS, as defined in § 25.201 of this chapter. These entities are referred to collectively as EAS Participants in this part, and are subject to this part, except as otherwise provided herein. At a minimum EAS Participants must use a common EAS protocol, as defined in § 11.31, to send and receive emergency alerts, and comply with the requirements set forth in § 11.56, in accordance with the following tables:

Table 1—Analog and Digital Broadcast Station Equipment Deployment Requirements

EAS equipment requirement	AM & FM	Digital AM & FM	Analog & digital FM class D	Analog & digital LPFM	~~D~~TV	~~Analog & digital c~~Class A TV	~~Analog & digital~~ LPTV
EAS decoder[1]	Y	Y	Y	Y	Y	Y	Y
EAS encoder	Y	Y	N	N	Y	Y	N
Audio message	Y	Y	Y	Y	Y	Y	Y
Video message	N/A	N/A	N/A	N/A	Y	Y	Y

[1] EAS Participants may comply with the obligations set forth in § 11.56 to decode and convert CAP-formatted messages into EAS Protocol-compliant messages by deploying an Intermediary Device, as specified in § 11.56(b).

* * * * *

(b) Analog class D non-commercial educational FM stations as defined in § 73.506 of this chapter, digital class D non-commercial educational FM stations, analog LPFM stations as defined in §§ 73.811 and 73.853 of this chapter, digital LPFM stations, ~~analog LPTV stations as defined in § 74.701(f),~~ and ~~digital~~ LPTV stations as defined in § 74.701(**~~k~~b**) of this chapter are not required to comply with § 11.32. ~~Analog and digital LPTV stations that operate as television broadcast translator stations, as defined in § 74.701(b) of this chapter, are not required to comply with the requirements of this part.~~ **Television broadcast translator stations, as defined in § 74.701(a) of this chapter, which entirely rebroadcast the programming of other broadcast televisions stations, are not required to comply with the requirements of this part.** FM broadcast booster stations as defined in § 74.1201(f) of this chapter and FM translator stations as defined in § 74.1201(a) of this chapter which entirely rebroadcast the programming of other local FM broadcast stations are not required to comply with the requirements of this part. International broadcast stations as defined in § 73.701 of this chapter are not required to comply with the requirements of this part. Analog and digital broadcast stations that operate as satellites or repeaters of a hub station (or common studio or control point if there is no hub station) and rebroadcast 100 percent of the programming of the hub station (or common studio or control point) may satisfy the requirements of this part through the use of a single set of EAS equipment at the hub station (or common studio or control point) which complies with §§ 11.32 and 11.33.

* * * * *

3. Section 11.51 is amended by revising paragraph (e) to read as follows:

§ 11.51 EAS code and Attention Signal Transmission requirements.

* * * * *

(e) Analog class D non-commercial educational FM stations as defined in § 73.506 of this chapter, digital class D non-commercial educational FM stations, analog Low Power FM (LPFM) stations as defined in §§ 73.811 and 73.853 of this chapter, digital LPFM stations, ~~analog low power TV (LPTV) stations as defined in § 74.701(f) of this chapter,~~ and ~~digital~~ LPTV stations as defined in § 74.701(**b~~k~~**) of this chapter are not required to have equipment capable of generating the EAS codes and Attention Signal specified in § 11.31.

* * * * *

4. Section 11.61 is amended by revising paragraphs (a)(1)(i), (a)(2)(i)(A), and (a)(2)(ii) to read as follows:

§ 11.61 Tests of EAS procedures.

(a) * * *

(1) * * *

(i) Tests in odd numbered months shall occur between 8:30 a.m. and local sunset. Tests in even numbered months shall occur between local sunset and 8:30 a.m. They will originate from Local or State Primary sources. The time and script content will be developed by State Emergency Communications Committees in cooperation with affected EAS Participants. Script content may be in the primary language of the EAS Participant. These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State. Analog and digital class D non-commercial educational FM, analog and digital LPFM stations, and ~~analog and digital~~ LPTV stations are required to transmit only the test script.

* * * * *

(2) * * *

(i) * * *

(A) Analog and digital AM, FM, and TV broadcast stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times. ~~Effective December 31, 2006,~~ DAB ~~stations must conduct these tests on all audio streams. Effective December 31, 2006,~~ **and** ~~D~~TV stations must conduct these tests on all program streams.

* * * * *

(ii) DBS providers, SDARS providers, analog and digital class D non-commercial educational FM stations, analog and digital LPFM stations, and ~~analog and digital~~ LPTV stations are not required to transmit this test but must log receipt, as specified in § 11.35(a) and 11.54(a)(3).

* * * * *

PART 73 – RADIO BROADCAST SERVICES

5. The authority citation for part 73 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, and 339.

6. Section 73.619 is amended by revising paragraph (b)(1) to read as follows:

§ 73.619 Contours and service areas.

* * * * *

(b) * * *

(1) In predicting the distance to the field strength contours, the F (50,50) field strength charts (Figures 9, 10 and 10b of § 73.699) and the F (50,10) field strength charts (Figures 9a, 10a and 10c of § 73.699) shall be used. To use the charts to predict the distance to a given F (50,90) contour, the following procedure is used: Convert the effective radiated power in kilowatts for the appropriate azimuth into decibel value referenced to 1 kW (dBk). Subtract the power value in dBk from the contour value in dBu. Note that for power less than 1 kW, the difference value will be greater than the contour value because the power in dBk is negative. Locate the difference value obtained on the vertical scale at the left edge of the appropriate F (50,50) chart for the TV station's channel. Follow the horizontal line for that value into the chart to the point of intersection with the vertical line above the height of the antenna above average terrain for the appropriate azimuth located on the scale at the bottom of the chart. If the point of intersection does not fall exactly on a distance curve, interpolate between the distance curves below and above the intersection point. The distance values for the curves are located along the right edge of the chart. Using the appropriate F (50,10) chart for the ~~D~~TV station's channel, locate the point where the distance coincides with the vertical line above the height of the antenna above average terrain for the appropriate azimuth located on the scale at the bottom of the chart. Follow a horizontal line from that point to the left edge of the chart to determine the F (50,10) difference value. Add the power value in dBk to this difference value to determine the F (50,10) contour value in dBu. Subtract the F (50,50) contour value in dBu from this F (50,10) contour value in dBu. Subtract this difference from the F (50,50) contour

value in dBu to determine the F (50,90) contour value in dBu at the pertinent distance along the pertinent radial.

* * * * *

7. Section 73.625 is amended by revising paragraph (c)(4)(i) to read as follows:

§ 73.625 - TV antenna system.

* * * * *

(c)(4)(i) In cases where it is proposed to use a tower of an AM broadcast station as a supporting structure for a TV broadcast antenna, an appropriate application for changes in the radiating system of the AM broadcast station must be filed by the licensee thereof. A formal application (**FCC Form 2100, Schedule 301-AM**~~FCC Form 301, or FCC Form 340 for a noncommercial educational station~~) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the AM broadcast antennas; otherwise an informal application will be acceptable. (In case of doubt, an informal application (letter) together with complete engineering data should be submitted.) An application may be required for other classes of stations when the tower is to be used in connection with a TV station.

* * * * *

8. Section 73.2080 is amended by revising paragraph (f)(3) to read as follows:

§ 73.2080 Equal employment opportunities (EEO).

* * * * *

(f)(3) If a station is subject to a time brokerage agreement, the licensee shall file Form~~s~~ 2100 Schedule 396 and EEO public file reports concerning only its own recruitment activity. If a licensee is a broker of another station or stations, the licensee-broker shall include its recruitment activity for the brokered station(s) in determining the bases of Form~~s~~ 2100 Schedule 396 and the EEO public file reports for its own station. If a licensee-broker owns more than one station, it shall include its recruitment activity for the brokered station in the Form~~s~~ 2100 Schedule 396 and EEO public file reports filed for its own station that is most closely affiliated with, and in the same market as, the brokered station. If a licensee-broker does not own a station in the same market as the brokered station, then it shall include its recruitment activity for the brokered station in the Form~~s~~ 2100 Schedule 396 and EEO public file reports filed for its own station that is geographically closest to the brokered station.

* * * * *

9. Section 73.3572 is amended by revising paragraph (a)(2) introductory text and removing paragraphs (a)(2)(i) through (ii) to read as follows:

§ 73.3572 - Processing of TV broadcast, Class A TV broadcast, low power TV, and TV translators applications.

* * * * *

(a)(2) In the case of Class A TV stations authorized under subpart J of this part and low power TV and TV translator stations authorized under part 74 of this chapter, **major or minor changes are defined in § 74.787(b).** ~~a major change is any change in:~~

~~(i) Frequency (output channel), except a change in offset carrier frequency; or~~

~~(ii) Transmitting antenna location where the protected contour resulting from the change is not predicted to overlap any portion of the protected contour based on the station's authorized facilities.~~

* * * * *

10. Section 73.3580 is amended by revising paragraph (a)(3) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

* * * * *

(a)(3) ***Locally originating programming.*** Programming from a low power television (LPTV) or television translator station as defined in § 74.701(~~h~~**g**) of this chapter.

* * * * *

11. Delayed indefinitely, further amend section 73.3700 by removing and reserving paragraph (g).

* * * * *

(g) **[Reserved]** ~~Low Power TV and TV translator stations.~~

~~(1) through (3) [Reserved]~~

~~(4) Notification and termination provisions for displaced low power TV and TV translator stations.~~

~~(i) A wireless licensee assigned to frequencies in the 600 MHz band under part 27 of this chapter must notify low power TV and TV translator stations of its intent to commence operations, as defined in § 27.4 of this chapter, and the likelihood of receiving harmful interference from the low power TV or TV translator station to such operations within the wireless licensee's licensed geographic service area.~~

~~(ii) The new wireless licensees must:~~

~~(A) Notify the low power TV or TV translator station in the form of a letter, via certified mail, return receipt requested;~~

~~(B) Indicate the date the new wireless licensee intends to commence operations, as defined in § 27.4 of this chapter, in areas where there is a likelihood of receiving harmful interference from the low power TV or TV translator station; and~~

~~(C) Send such notification not less than 120 days in advance of the commencement date.~~

~~(iii) Low power TV and TV translator stations may continue operating on frequencies in the 600 MHz band assigned to wireless licensees under part 27 of this chapter until the wireless licensee commences operations, as defined in § 27.4 of this chapter, as indicated in the notification sent pursuant to this paragraph.~~

~~(iv) After receiving notification, the low power TV or TV translator licensee must cease operating or reduce power in order to eliminate the potential for harmful interference before the commencement date set forth in the notification.~~

~~(v) Low power TV and TV translator stations that are operating on the UHF spectrum that is reserved for guard band channels as a result of the broadcast television incentive auction conducted under section 6403 of the Spectrum Act may continue operating on such channels until the end of the post-auction transition period as defined in § 27.4 of this chapter, unless they receive notification from a new wireless licensee pursuant to the requirements of paragraph (g)(4) of this section that they are likely to cause harmful interference in areas where the wireless licensee intends to commence operations, as defined in § 27.4 of this chapter, in which case the requirements of paragraph (g)(4) of this section will apply.~~

* * * * *

* * * * *

12. Delayed indefinitely, further amend section 73.6001 by revising paragraph (d) to read as follows:

§ 73.6001 – Eligibility and service requirements.

* * * * *

(d) Licensees unable to continue to meet the minimum operating requirements for Class A television stations, or which elect to revert to low power television status, shall promptly **file a modification of license (FCC Form 2100, Schedule F)** ~~notify the Commission, in writing, and~~ **in order to** request a change in status. **The station's call sign will be modified consistent with § 74.791(c) following reversion to low power television status.**

* * * * *

13. Section 73.6002 is amended by revising paragraph (a)(2) to read as follows:

§ 73.6002 – Licensing requirements.

(a) * * *

* * * * *

(2) Files an acceptable application for a Class A Television license (FCC Form **2100, Schedule F**~~302-CA~~).

14. Delayed indefinitely, further amend section 73.6002 by adding paragraphs (b) introductory text and (b)(1) through (2) to read as follows:

§ 73.6002 – Licensing requirements.

* * * * *

(b) Community coverage requirements.

(1) A Class A station's protected contour (see § 73.6010) must overlap with at least a portion of its community of license.

(i) For purposes of determining whether a community of license's boundary overlaps with a station's protected service contour, an applicant shall use the boundary of the community as may be recognized by any federal, state, local, or tribal governmental entity.

(ii) In the event that no community exists consistent with paragraph (b)(1)(i), the Class A station may use Longley-Rice to demonstrate a level of service equivalent to the value in § 73.6010 is present in the requested community.

(2) To change a Class A station's community of license, a modification of license (FCC Form 2100, Schedule F) must be filed specifying the new community.

* * * * *

15. Section 73.6017 is revised to read as follows:

§ 73.6017 - Class A TV station protection of Class A TV stations.

An application to change the facilities of a Class A TV station will not be accepted if it fails to protect authorized Class A stations in accordance with the requirements of § 74.793 (b) through (d)**,** ~~and 74.793~~(g)**, and (j)** of this chapter. This protection must be afforded to applications for changes in other authorized Class A stations filed prior to the date the Class A application is filed.

16. Section 73.6019 is revised to read as follows:

§ 73.6019 - Class A TV station protection of low power TV and TV translator stations.

An application to change the facilities of a Class A TV station will not be accepted if it fails to protect authorized low power TV and TV translator stations in accordance with the requirements of § 74.793(b) through (d)**,** ~~and~~ (h)**, and (j)** of this chapter. This protection must be afforded to applications for changes filed prior to the date the Class A station is filed.

17. Section 73.6023 is amended by adding paragraph (f)(6) to read as follows:

§ 73.6023 - Distributed transmission systems.

* * * * *

(f)(6) All DTS transmitters must use the same emission mask. See § 73.6024(d).

* * * * *

18. Section 73.7003 is amended by revising paragraphs (b)(2), (b)(4), and (c)(5)(ii) to read as follows:

§ 73.7003 - Point system selection procedures.

* * * * *

(b) * * *

* * * * *

(2) ***Local diversity of ownership.*** Two points for applicants with no attributable interests, as defined in § 73.7000, in any other broadcast station or authorized construction permit (comparing radio to radio and television to television) whose principal community (city grade) contour overlaps that of the proposed station. The principal community (city grade) contour is the 5 mV/m for AM stations, the 3.16 mV/m for FM stations calculated in accordance with § 73.313(c), and the contour identified in § **73.618(a)** ~~73.685(a)~~ for TV. Radio applicants will count commercial and noncommercial AM, FM, and FM translator stations other than fill-in stations. Television applicants will count UHF, VHF, and Class A stations.

* * * * *

(4) ***Technical parameters.*** One point to the applicant covering the largest geographic area and population with its relevant contour (60 dBu for FM and ~~Grade B~~ **NLSC** for TV), provided that the applicant covers both a ten percent greater area and a ten percent greater population than the applicant with the next best technical proposal. The top applicant will receive two points instead of one point if its technical proposal covers both a 25 percent greater area and 25 percent greater population than the next best technical proposal.)

(c) * * *

* * * * *

(5) * * *

* * * * *

(ii) Groups of more than three tied, grantable applications will not be eligible for licensing under this section. Where such groups exist, the Commission will dismiss all but the applications of the three applicants that have been local, as defined in § 73.7000, for the longest uninterrupted periods of time. The Commission will then process the remaining applications as set forth in paragraph (c)(**45**)(i) of this section.

* * * * *

PART 74 - EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

19. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

20. Section 74.701 is amended by revising paragraphs (a), (b), and (e) through (g) and removing paragraphs (h) through (m) to read as follows:

§ 74.701 Definitions.

(a) Television broadcast translator station (TV translator). A station ~~in the broadcast service~~ operated for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristic of the original signal other than its frequency ~~and amplitude~~, for the purpose of providing television reception to the ~~general~~ public.

(b) **Low power TV station (LPTV). A station authorized under the provisions of this subpart that may retransmit the programs and signals of a television broadcast station, may originate programming in any amount greater than 30 seconds per hour for the purpose of providing television reception to the public and, subject to a minimum video program service requirement, may offer services of an ancillary or supplementary nature, including subscription-based services. See § 74.790.** ~~Primary station. The television station which provides the programs and signals being retransmitted by a television broadcast translator station.~~

* * * * *

(e) **Primary station. The television station which provides the programs and signals being retransmitted by a TV translator.** ~~[Reserved]~~

(f) **Existing low power television or television translator station. When used in this subpart, existing low power television or existing television translator station refers to a station that is either licensed or has a valid construction permit.** ~~Low power TV station. A station authorized under the provisions of this subpart that may retransmit the programs and signals of a TV broadcast station and that may originate programming in any amount greater than 30 seconds per hour and/or operates a subscription service. (See § 73.641 of part 73 of this chapter.)~~

(g) **Local origination. For purposes of this part, local origination shall be any transmissions other than the simultaneous retransmission of the programs and signals of a TV broadcast station or transmissions related to service offerings of an ancillary or supplementary nature. Origination shall include locally generated television program signals and program signals obtained via video recordings (tapes and discs), microwave, common carrier circuits, or other sources.** ~~[Reserved]~~

~~(h) Local origination. Program origination if the parameters of the program source signal, as it reaches the transmitter site, are under the control of the low power TV station licensee. Transmission of TV program signals generated at the transmitter site constitutes local origination. Local origination also includes transmission of programs reaching the transmitter site via TV STL stations, but does not include transmission of signals obtained from either terrestrial or satellite microwave feeds or low power TV stations.~~

~~(i) [Reserved]~~

~~(j) Television broadcast translator station ("TV translator station"). A station operated for the purpose of retransmitting the programs and signals of a television broadcast station, without significantly altering any characteristic of the original signal other than its frequency, for the purpose of providing television reception to the general public.~~

~~(k) Low power TV station ("LPTV station"). A station authorized under the provisions of this subpart that may retransmit the programs and signals of a television broadcast station, may originate programming in any amount greater than 30 seconds per hour for the purpose of providing television reception to the general public and, subject to a minimum video program service requirement, may offer services of an ancillary or supplementary nature, including subscription-based services. (See § 74.790.)~~

~~(l) Digital program origination. For purposes of this part, digital program origination shall be any transmissions other than the simultaneous retransmission of the programs and signals of a TV or DTV broadcast station or transmissions related to service offerings of an ancillary or supplementary nature. Origination shall include locally generated television program signals and program signals obtained via video recordings (tapes and discs), microwave, common carrier circuits, or other sources.~~

~~(m) Existing low power television or television translator station. When used in this subpart, the terms existing low power television and existing television translator station refer to a low power television station or television translator station that is either licensed or has a valid construction permit.~~

21. Section 74.720 is amended by:

a. Revising the section heading and paragraphs (a) through (b);
b. Adding paragraph (e)(6); and
c. Revising paragraph (f).

The revisions read as follows:

§ 74.720 – ~~Digital~~ Low power TV distributed transmission systems.

(a) A ~~digital~~ low power TV or TV translator (LPTV) station may be authorized to operate multiple synchronized transmitters on its assigned channel to provide service consistent with the requirements of this section. Such operation is called a distributed transmission system (DTS). Except as expressly provided in this section, LPTV stations operating a DTS facility must comply with all rules in this part applicable to LPTV single-transmitter stations.

(b) For purposes of compliance with this section, a ~~digital~~ LPTV station's "authorized facility" is the facility authorized for the station in a license or construction permit for non-DTS, single-transmitter-location operation. A**n** ~~digital~~ LPTV station's "authorized service area" is defined as the area within its protected contour (described by § 74.792) as determined using the authorized facility.

* * * * *

(e)(6) All DTS transmitters must use the same emission mask. See §74.794.

(f) All transmitters operating under a single LPTV DTS license must follow the same ~~digital~~ broadcast television transmission standard.

22. Section 74.732 is amended by revising paragraphs (d) through (e) to read as follows:

§ 74.732 – Eligibility and licensing requirements.

* * * * *

(d) The FCC will not act on applications for new ~~low power TV~~**LPTV** or TV translator stations, **or** for changes in facilities of existing stations, ~~or for changes in output channel tendered by displaced stations pursuant to § 73.3572(a)(1),~~ when such changes will result in a major change, until the applicable time for filing a petition to deny has passed pursuant to section 73.3584(c) of this subpart.

(e) A proposal to change the primary TV station**(s)** being retransmitted ~~or an application of a licensed translator station to include low power TV station operation, i.e., program origination~~ will be subject only to a notification requirement.

* * * * *

23. Section 74.780 is revised to read as follows:

§ 74.780 - Broadcast regulations applicable to TV translators and LPTV stations.

(a) The following rules are applicable to TV translators and LPTV stations:

(1) 47 CFR part 5—Experimental authorizations.

(2) 47 CFR 73.658—Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements.

(3) 47 CFR 73.1030—Notifications concerning interference to radio astronomy, research, and receiving installations.

(4) 47 CFR 73.1206—Broadcast of telephone conversations.

(5) 47 CFR 73.1207—Rebroadcasts.

(6) 47 CFR 73.1208—Broadcast of taped, filmed, or recorded material.

(7) 47 CFR 73.1211—Broadcast of lottery information.

(8) 47 CFR 73.1212—Sponsorship identifications; list retention; related requirements.

(9) 47 CFR 73.1216—Licensee-conducted contests.

(10) 47 CFR 73.1515—Special field test authorizations.

(11) 47 CFR 73.1615—Operation during modification of facilities.

(12) 47 CFR 73.1620—Program tests.

(13) 47 CFR 73.1635—Special temporary authorizations (STA).

(14) 47 CFR 73.1650—International agreements.

(15) 47 CFR 73.1680—Emergency antennas.

(16) 47 CFR 73.1740(a)(2)(iii)—Minimum operating schedule.

(17) 47 CFR 73.1940—Legally qualified candidates for public office.

(18) 47 CFR 73.3500—Application and report forms.

(19) 47 CFR 73.3511—Applications required.

(20) 47 CFR 73.3512—Where to file; number of copies.

(21) 47 CFR 73.3513—Signing of applications.

(22) 47 CFR 73.3514—Content of applications.

(23) 47 CFR 73.3516—Specification of facilities.

(24) 47 CFR 73.3517—Contingent applications.

(25) 47 CFR 73.3518—Inconsistent or conflicting applications.

(26) 47 CFR 73.3519—Repetitious applications.

(27) 47 CFR 73.3521—Mutually exclusive applications for low power TV and TV translator stations.

(28) 47 CFR 73.3522—Amendment of applications.

(29) 47 CFR 73.3525—Agreements for removing application conflicts.

(30) 47 CFR 73.3533—Application for construction permit or modification of construction permit.

(31) 47 CFR 73.3536—Application for license to cover construction permit.

(32) 47 CFR 73.3538(a)(1), (3), and (4) and (b)—Application to make changes in an existing station.

(33) 47 CFR 73.3539—Application for renewal of license.

(34) 47 CFR 73.3540—Application for voluntary assignment or transfer of control.

(35) 47 CFR 73.3541—Application for involuntary assignment of license or transfer of control.

(36) 47 CFR 73.3542—Application for emergency authorization.

(37) 47 CFR 73.3544—Application to obtain a modified station license.

(38) 47 CFR 73.3545—Application for permit to deliver programs to foreign stations.

(39) 47 CFR 73.3550—Requests for new or modified call sign assignments.

(40) 47 CFR 73.3561—Staff consideration of applications requiring Commission action.

(41) 47 CFR 73.3562—Staff consideration of applications not requiring action by the Commission.

(42) 47 CFR 73.3564—Acceptance of applications.

(43) 47 CFR 73.3566—Defective applications.

(44) 47 CFR 73.3568—Dismissal of applications.

(45) 47 CFR 73.3572—Processing of TV broadcast, low power TV, and TV translator station applications.

(46) 47 CFR 73.3580—Local public notice of filing of broadcast applications.

(47) 47 CFR 73.3584—Petitions to deny.

(48) 47 CFR 73.3587—Informal objections.

(49) 47 CFR 73.3591—Grants without hearing.

(50) 47 CFR 73.3593—Designation for hearing.

(51) 47 CFR 73.3594—Local public notice of designation for hearing.

(52) 47 CFR 73.3597—Procedures on transfer and assignment applications.

(53) 47 CFR 73.3598—Period of construction.

(54) 47 CFR 73.3601—Simultaneous modification and renewal of license.

(55) 47 CFR 73.3603—Special waiver procedure relative to applications.

(b) The following rules are applicable to low power TV stations only:

(1) 47 CFR part 11—Emergency Alert System.

(2) 47 CFR 73.2080—Equal employment opportunities.

(3) 47 CFR 73.3612—Annual employment report.

(4) 47 CFR 73.3613—Availability to FCC of station contracts (network affiliation contracts only).

~~The following rules are applicable to TV translator and low power TV stations:~~

~~(a) 47 CFR part 5—Experimental authorizations.~~

~~(b) 47 CFR 73.658—Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements.~~

~~(c) 47 CFR part 11—Emergency Alert System (for low power TV stations locally originating programming as defined by § 74.701(h)).~~

~~(d) 47 CFR 73.1030—Notifications concerning interference to radio astronomy, research, and receiving installations.~~

~~(e) 47 CFR 73.1206—Broadcast of telephone conversations.~~

~~(f) 47 CFR 73.1207—Rebroadcasts.~~

~~(g) 47 CFR 73.1208—Broadcast of taped, filmed, or recorded material.~~

~~(h) 47 CFR 73.1211—Broadcast of lottery information.~~

~~(i) 47 CFR 73.1212—Sponsorship identifications; list retention; related requirements.~~

~~(j) 47 CFR 73.1216—Licensee-conducted contests.~~

~~(k) 47 CFR 73.1515—Special field test authorizations.~~

~~(l) 47 CFR 73.1615 – Operation during modification of facilities.~~

~~(m) 47 CFR 73.1635 – Special temporary authorizations (STA).~~

~~(n) 47 CFR 73.1650 – International agreements.~~

~~(o) 47 CFR 73.1680 – Emergency antennas.~~

~~(p) 47 CFR 73.1692 – Reserved.~~

~~(q) 47 CFR 73.1940 – Legally qualified candidates for public office.~~

~~(r) 47 CFR 73.2080 – Equal employment opportunities (for low power TV stations only).~~

~~(s) 47 CFR 73.3500 – Application and report forms.~~

~~(t) 47 CFR 73.3511 – Applications required.~~

~~(u) 47 CFR 73.3512 – Where to file; number of copies.~~

~~(v) 47 CFR 73.3513 – Signing of applications.~~

~~(w) 47 CFR 73.3514 – Content of applications.~~

~~(x) 47 CFR 73.3516 – Specification of facilities.~~

~~(y) 47 CFR 73.3517 – Contingent applications.~~

~~(z) 47 CFR 73.3518 – Inconsistent or conflicting applications.~~

~~(aa) 47 CFR 73.3519 – Repetitious applications.~~

~~(bb) 47 CFR 73.3521 – Mutually exclusive applications for low power TV and TV translator stations.~~

~~(cc) 47 CFR 73.3522 – Amendment of applications.~~

~~(dd) 47 CFR 73.3525 – Agreements for removing application conflicts.~~

~~(ee) 47 CFR 73.3533 – Application for construction permit or modification of construction permit.~~

~~(ff) 47 CFR 73.3536 – Application for license to cover construction permit.~~

~~(gg) 47 CFR 73.3538(a)(1), (3), and (4) and (b) – Application to make changes in an existing station.~~

~~(hh) 47 CFR 73.3539 – Application for renewal of license.~~

~~(ii) 47 CFR 73.3540 – Application for voluntary assignment or transfer of control.~~

~~(jj) 47 CFR 73.3541 – Application for involuntary assignment of license or transfer of control.~~

~~(kk) 47 CFR 73.3542 – Application for emergency authorization.~~

~~(ll) 47 CFR 73.3544 Application to obtain a modified station license.~~

~~(mm) 47 CFR 73.3545 Application for permit to deliver programs to foreign stations.~~

~~(nn) 47 CFR 73.3550 Requests for new or modified call sign assignments.~~

~~(oo) 47 CFR 73.3561 Staff consideration of applications requiring Commission action.~~

~~(pp) 47 CFR 73.3562 Staff consideration of applications not requiring action by the Commission.~~

~~(qq) 47 CFR 73.3564 Acceptance of applications.~~

~~(rr) 47 CFR 73.3566 Defective applications.~~

~~(ss) 47 CFR 73.3568 Dismissal of applications.~~

~~(tt) 47 CFR 73.3572 Processing of TV broadcast, low power TV, and TV translator station applications.~~

~~(uu) 47 CFR 73.3580 Local public notice of filing of broadcast applications.~~

~~(vv) 47 CFR 73.3584 Petitions to deny.~~

~~(ww) 47 CFR 73.3587 Informal objections.~~

~~(xx) 47 CFR 73.3591 Grants without hearing.~~

~~(yy) 47 CFR 73.3593 Designation for hearing.~~

~~(zz) 47 CFR 73.3594 Local public notice of designation for hearing.~~

~~(aaa) 47 CFR 73.3597 Procedures on transfer and assignment applications.~~

~~(bbb) 47 CFR 73.3598 Period of construction.~~

~~(ccc) 47 CFR 73.3601 Simultaneous modification and renewal of license.~~

~~(ddd) 47 CFR 73.3603 Special waiver procedure relative to applications.~~

~~(eee) 47 CFR 73.3612 Annual employment report (for low power TV stations only).~~

~~(fff) 47 CFR 73.3613 Availability to FCC of station contracts (network affiliation contracts for low power TV stations only).~~

24. Section 74.783 is amended by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 74.783 – Station identification.

(a) Each ~~low power TV~~ **LPTV** station as defined by § 74.701(**b**~~f~~) must transmit its station identification using one of the following methods:

(a)(1) When originating programming, as defined by § 74.701(**g**~~h~~), ~~a low power TV~~ **an LPTV** station may use the station identification procedures given in § 73.1201 of this chapter on its primary stream. Other streams may use the method in paragraph (a)(2) of this section. The identification procedures given in the remainder of this paragraph are to be used at any time the station is not originating programming; or

* * * * *

25. Section 74.784 is amended by revising paragraph (e) to read as follows:

§ 74.784 – Rebroadcasts.

* * * * *

(e) The provisions of § 73.1207 of part 73 of this chapter apply to ~~low power TV~~ **LPTV** stations in transmitting any material during periods of **local** ~~program~~ origination obtained from the transmissions of any other type of station.

* * * * *

26. Amend section 74.787 to read as follows:

a. Revise paragraph (a)(4) and add paragraph (a)(4)(i);
b. Revise paragraphs (a)(4)(ii) and (iv) through (vi); and
c. Revise paragraph (b)(1)(iii)

§ 74.787 – Licensing.

(a)(1) ***

* * * * *

(4) **Displacement applications.** ~~A low power television, television translator, or DRT or DTDRT station which is causing or receiving interference or is predicted to cause or receive interference to or from an authorized TV broadcast station or allotment or other protected station or service, may at any time file a displacement relief application for change in channel, together with technical modifications that are necessary to avoid interference or continue serving the station's protected service area, provided the proposed transmitter site is not located more than 30 miles from the reference coordinates of the existing station's community of license. See § 76.53 of this chapter. A displacement relief application shall be filed on FCC Form 2100, Schedule C, and will be considered a minor change and will be placed on public notice for a period of not less than 30 days to permit the filing of petitions to deny. These applications will not be subject to the filing of competing applications. Where a displacement relief application for a low power television or television translator station becomes mutually exclusive with the application(s) for new low power television or television translator stations, or with other non-displacement relief applications for facilities modifications of low power television or television translator stations, priority will be afforded to the displacement application for the low power television or television translator station to the exclusion of other applications. Mutually exclusive displacement relief applications for low power television and television translator stations shall be resolved via the Commission's rules in part 1 of this chapter and broadcast competitive bidding rules in §§ 1.2100 through 1.2209 and 73.5000 through 73.5009 of this chapter. Such applicants shall be afforded an opportunity to submit settlements and engineering solutions to resolve mutual exclusivity pursuant to § 73.5002(d) of this chapter.~~

(i) To be eligible for displacement, an LPTV, TV translator, DRT, or DTDRT station must meet one of the following requirements:

(A) Cause actual interference within a TV broadcast station's noise-limited service contour (see § 73.619(c)).

(B) Cause predicted interference beyond the amount specified in § 74.793(e) with respect to a TV broadcast station, allotment, or other protected station or service, except if such interference has been previously accepted.

(C) Receive predicted interference beyond the amount specified in § 74.793(h) with respect to a TV broadcast station, allotment, or other protected station or service, except if such interference has been previously accepted.

(D) Cause actual or predicted interference to the input channel of a TV translator, DRT, or DTDRT station as measured at the receive site.

(E) Cause interference to land mobile operations such that it must otherwise cease operations consistent with § 74.703(e).

(F) Is predicted to cause or receive interference to or from an authorized TV broadcast station or allotment with respect to protected foreign stations.

(ii) If a station is displaced by a channel substitution in the Table of TV Allotments, it may file an application for displacement relief after the channel substitution is final.

*** * ***

(iv) Displacement relief applications will not be subject to the filing of competing applications.

(v) Where a displacement relief application for a low power television or television translator station becomes mutually exclusive with the application(s) for new low power television or television translator stations, or with other non-displacement relief applications for facilities modifications of low power television or television translator stations, priority will be afforded to the displacement application for the low power television or television translator station to the exclusion of other applications, except as otherwise specified in paragraph (a)(5)(iii) of this section.

(vi) Mutually exclusive displacement relief applications for low power television and television translator stations shall be resolved via the Commission's part 1 and broadcast competitive bidding rules, §§ 1.2100 through 1.2199, and 73.5000 through 73.5009 of this chapter. Such applicants shall be afforded an opportunity to submit settlements and engineering solutions to resolve mutual exclusivity pursuant to § 73.5002(d) of this chapter.

* * * * *

(b)(1)(iii): Any change in transmitting antenna location of greater than ~~30 miles (48~~49**.1** kilometers~~)~~ from the ~~reference~~ coordinates of the existing ~~station's~~ antenna location.

* * * * *

27. Delayed indefinitely, further amend § 74.787 to read as follows:

a. Revise paragraph (a)(1) and add paragraphs (a)(1)(i) through (a)(ii);

b. Revise paragraph (a)(2) and add paragraphs (a)(2)(i) through (ii); and
c. Add paragraph (a)(4)(iii)

§ 74.787 – Licensing.

(a)(1) ~~[Reserved]~~ **Community coverage requirements.**

(i) An LPTV or TV translator station's protected contour (see § 74.792) must overlap with at least a portion of its community of license.

(A) For purposes of determining whether a community of license's boundary overlaps with a station's protected service contour, an applicant shall use the boundary of the community as may be recognized by any federal, state, local, or tribal governmental entity.

(B) In the event that no such community exists under paragraph (a)(1)(i)(A), the station may use Longley-Rice to demonstrate a level of service equivalent to the value in § 74.792 is present in the requested community.

(ii) To change an LPTV or TV translator station's community of license, a modification of license application (FCC Form 2100, Schedule D) must be filed specifying the new community that complies with paragraph (a)(i).

(2) ~~[Reserved]~~**Conversion between LPTV and TV translator.**

(i) A TV translator may convert to a LPTV station by filing a modification of license requesting the conversion. The station's call sign must be modified consistent with § 74.791(c) after converting to a LPTV station.

(ii) An LPTV station may convert to a TV translator by filing a modification of license application (FCC Form 2100, Schedule D). It shall specify the station(s) to be translated in its filing. The station's call sign will be modified consistent with § 74.791(b) after converting to a TV translator.

* * * * *

(a)(4)(iii) Eligible stations under paragraph (i) of this section may file a displacement relief application on FCC Form 2100, Schedule C for change in channel at any time, together with necessary technical modifications to avoid interference. The application must indicate the eligible cause of displacement from paragraph (i) of this section. Such applications are considered minor modifications and must comply with paragraph (b) of this section.

28. Section 74.790 is amended by revising paragraph (g)(2), (g)(3) and adding paragraph (p) to read as follows:

§ 74.790 - Permissible service of TV translator and LPTV stations.

* * * * *

(g)(2) For the origination of programming and commercial matter as defined in § 74.701(**g**~~l~~).

(g)(3) ~~Whenever operating, a~~**A**n LPTV station must transmit at least one over-the-air video program signal at no direct charge to viewers at a resolution of at least 480i (vertical resolution of 480 lines, interlaced).

* * * * *

(p) No operations are permitted on channels above 36.

* * * * *

29. Delayed indefinitely, further section 74.791 is amended by revising paragraphs (a) through (c) and adding (c)(1) to read as follows:

§ 74.791 Call signs.

(a) ***New ~~L~~low power and television translator stations.*** Call signs for new ~~low power television and television translator~~ **TV translator and LPTV** stations will be made up of a prefix consisting of the initial letter K or W followed by the channel number assigned to the station and two additional letters and a suffix consisting of the letters –D, **consistent with paragraph (d) of this section**. **Prior to filing a license to cover, a new LPTV station must modify its call sign to be consistent with the requirements of paragraph (c) of this section.**

(b) ***Television translator stations.*** Call signs for ~~digital television~~ **TV** translator stations will be made up of a prefix consisting of the initial letter K or W followed by the channel number assigned to the station and two additional letters and a suffix consisting of the letter –D**, consistent with paragraph (d) of this section**.

(c) ***Low power television stations and Class A television stations.*** **Call signs for** ~~Low power television~~ **LPTV** and Class A television stations **will be made up of** ~~may be assigned a call sign with~~ a four-letter prefix pursuant to § 73.3550 of this chapter **along with a two-letter suffix**. ~~Low power~~ **LPTV** stations ~~with four-letter prefixes~~ will be assigned the suffix –LD and ~~digital~~ Class A stations ~~with four-letter prefixes~~ will be assigned the suffix –CD.

(1) An LPTV or Class A station that is licensed as of [*Insert release date of Report and Order*] may retain its call sign as of that date and is not required to comply with the requirements of paragraph (c) unless it changes its service designation (voluntarily or involuntarily) or chooses to modify its call sign.

* * * * *

30. Delayed indefinitely, further amend section 74.793 by revising paragraph (b) and adding paragraphs (i) through (j) to read as follows:

§ 74.793 – Low power TV and TV translator station protection of broadcast stations.

* * * * *

(b) Except as provided in this section, interference prediction analysis is based on the interference thresholds (D/U signal strength ratios) and other criteria and methods specified in § 73.620 of this chapter. **The 2 km cell size specified in § 73.620(b) is not permitted for stations subject to this rule. Applicants should specify either the 1 km or 0.5 km cell size, otherwise the 1 km cell size will be assumed.**

* * * * *

(i) Stations subject to this subpart may negotiate interference agreements consistent with §§ 73.620(e) and 73.6022.

(j) If an existing authorization exceeds the interference thresholds consistent with paragraphs (g) or (h) of this section, when filing a non-displacement minor modification it may create interference up to but not exceeding the level previously authorized. The proposal shall use the same cell size and path profile increment in showing both the existing and proposed interference. A copy of any interference agreement must be included as an exhibit to the application.

31. Section 74.794 is amended by revising paragraph (a)(1) to read as follows:

§ 74.794 – Digital Emissions.

(a) * * *

(1) An applicant for a**n** LPTV or TV translator station construction permit shall specify that the station will be constructed to confine out-of-channel emissions within one of the following emission masks: Simple, stringent, or full service. **Applicants proposing new or modified operation on channel 14 shall specify either the stringent or full service emission mask.**

* * * * *

32. Delayed indefinitely, further amend section 74.799 by adding paragraph (i) as follows:

§ 74.799 Low power television and TV translator channel sharing.

* * * * *

(i) *Channel sharees exiting shared status.* An LPTV or TV translator channel sharee may cease channel sharing and seek to obtain a license for a non-shared channel by filing a major modification (FCC Form 2100, Schedule C) specifying a non-shared channel and facility.

APPENDIX C

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Act Analysis (IRFA) into the *Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service, Notice of Proposed Rulemaking* (*NPRM*) released in June 2024.[2] The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Report and Order

2. The *Report and Order* (*R&O*) adopted changes to the Commission's rules and policies to reflect changes in the service over the last 40 years, help stations in the Low Power Television Service (LPTV Service) to be better prepared for future operations, and enhance the LPTV Service overall.[4] Many of the changes also affect Class A stations. Given the maturation of the LPTV Service since its initiation, the *R&O* adopts the following changes to the regulations of this service:

- Amend the method for calculating the maximum distance that a displaced LPTV/TV translator or LPTV Service channel sharing station may move.
- Revise the minor change rule to establish a uniform maximum distance that LPTV Service stations may move using a minor modification application.
- Require that LPTV Service stations specify a community of license (COL) within their station's contour.
- Establish a formal process by which that LPTV Service stations may change their service designation (i.e., LPTV to TV translator (and vice versa), as well as Class A to LPTV)
- Require LPTV Service stations to maintain a call sign consistent with their class of service.
- Require use of a "stringent" or "full-service" emission mask for channel 14 LPTV Service stations to prevent interference to Land Mobile Radio (LMR) facilities.

[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *See Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, MB Docket No. 24-148, Notice of Proposed Rulemaking, 39 FCC Rcd 6318 (2024).

[3] 5 U.S.C. § 604.

[4] The LPTV Service includes low power television (LPTV) stations as well as television translator (TV translator) stations and Class A TV stations (Class A). Each of these services and their differences are described in greater detail below. *See R&O* at paras. 3-4. In this FRFA, we will at times refer to LPTV stations only, and when we refer to LPTV and TV translator stations collectively we will use the term "LPTV/TV translator stations." When referring to all three station types collectively, we will use the term "LPTV Service." We note that TV translator stations also include digital replacement translators (DRTs) or digital-to-digital replacement translators (DTDRTs). A DRT is a television translator station licensed to a full power television station that allows it to restore service to any loss areas that may have occurred as a result of its transition from analog to digital. *See* 47 CFR § 74.701(c). A DTDRT is a television translator station licensed to a full power television station that allows it to restore service to any loss areas that may have occurred as a result of the station being assigned a new channel pursuant to the Incentive Auction and repacking process. *See* 47 CFR § 74.701(d).

- Prohibit LPTV/TV translator station operations above TV channel 36.
- Remove the 30 day public notice comment period for displacement applications and clarify when an LPTV/TV translator station displaced by a full power station's channel substitution may apply for displacement.
- Clarify the existing displacement rule and interference thresholds for actual and predicted interference, and amend the definition of displacement to explicitly include displacement by LMR stations; by protected television facilities in Canada and Mexico; and due to interference to TV translator input channels.
- Codify other rule clarifications consistent with precedent, including the use of emission masks at Distributed Transmission System (DTS) transmitter sites; the maximum grid resolution permitted with interference analyses; and application of the part 73 "program test authority" rule to LPTV/TV translator stations.
- Remove duplicate definitions and obsolete rules, re-letter the definitions remaining in the part 74 rules, and make other editorial, non-substantive corrections to the part 11, 73, and 74 rules.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

3. No comments were filed addressing the impact of the proposed rules on small entities.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

4. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,[5] the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and provide a detailed statement of any change made to the proposed rules as a result of those comments.[6] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities To Which the Rules Will Apply

5. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.[7] The RFA generally defines the term "small entity" as having the same meaning as under the Small Business Act.[8] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act."[9] A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[10] The SBA establishes small business size standards that agencies are required to use when

[5] Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

[6] 5 U.S.C. § 604 (a)(3).

[7] *Id.* § 604 (a)(4).

[8] *Id.* § 601(6).

[9] *Id*. § 601(3) (incorporating by reference the definition of "small-business concern" in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register."

[10] 15 U.S.C. § 632.

promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.[11]

6. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[12] In general, a small business is an independent business having fewer than 500 employees.[13] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[14] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[15] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[16] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.[17] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[18]

7. The rules adopted in the *R&O* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[19] codes and corresponding SBA size standard.[20] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

[11] 13 CFR § 121.903.

[12] 5 U.S.C. § 601(3)-(6).

[13] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[14] *Id*.

[15] 5 U.S.C. § 601(4).

[16] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[17] 5 U.S.C. § 601(5).

[18] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[19] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[20] The size standards in this chart are set forth in 13 CFR 121.201, by six digit NAICS code.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry	NAICS Code	SBA Size Standard	Total Firms[21]	Total Small Firms[22]	% Small Firms
Television Broadcasting Stations	516120	$47 million	413	316	76.51%

Table 2. Broadcast Entity Data

Broadcast Station Owners (as of August 8, 2025)[23]	SBA Size Standard ($47 Million)		
Affected Entity	**# Commercial Licensed[24]**	**Small Firms**	**% Small Entities**
Television Stations	171	142	83.04

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

8. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.[25]

9. The adopted changes to the Commission's rules and policies are designed to ensure that LPTV service continues to serve the public interest. This includes requiring that LPTV Service stations file an application for modification of license in order to change their COL. In the application, stations must certify that its protected service contour will overlap the COL boundary. Existing FCC Forms 2100, Schedule D (LPTV/TV translator) and F (Class A) will be used for this proposed requirement and only slight changes to the Forms are anticipated. All LPTV Service stations must comply within six months of the effective date of the COL rule. The *R&O* also clarifies that test patterns, slides, or still pictures accompanied by unrelated aural transmissions for purposes of determining will not be considered when determining compliance with the requirement that LPTV stations air one free over-the-air video broadcast.

10. We also require that LPTV/TV translator stations that seek to change their designation from LPTV to TV translator and vice versa, seek formal authority to make this change. Existing FCC Form 2100, Schedule D would be used for this proposed requirement and only slight changes to the Form

[21] *U.S. Census Bureau*, "*Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S.

[22] *Id.*

[23] According to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on August 8, 2025.

[24] There were 4,689 licensed noncommercial (NCE) FM radio stations, 1,977 low power FM (LPFM) stations, 8,880 FM translators and boosters, 383 licensed noncommercial educational (NCE) television stations, 383 Class A TV stations, 1,780 LPTV stations and 3,094 TV translator stations. *Broadcast Station Totals as of June 30, 2025*, Public Notice, 40 FCC Rcd 4391 (MB 2025).

[25] 5 U.S.C. § 604(a)(5).

are anticipated. Class A Stations that wish to downgrade to LPTV status must file a similar license modification using existing Form 2100, Schedule F. Only limited changes to the Form are anticipated. In addition, LPTV Service stations with non-compliant call signs will be required to file a request for call sign change to specify a call sign that aligns with its service designation. Class A and LPTV stations will be allowed to seek grandfathering of their existing call sign combination. Stations that seek to change their call signs to comply with the new requirement or those that do not qualify for grandfathering will have one-year to submit a call sign change request, and the associated fees for these changes will be exempted during that time. The Media Bureau's existing Licensing and Management System (LMS) will be used for this proposed requirement and only minimal changes to the system are anticipated.

11. The *R&O* also clarifies that all stations with LPTV designation must comply with Emergency Alert System rules, ensuring these stations have the equipment necessary to provide the public with lifesaving information. Additionally, all new or modified channel 14 LPTV Service stations must specify either stringent or full-service mask filtering, unless the station is decreasing power or making a modification to its facilities that does not change its service contour. The revised rules also require that all transmitters in an LPTV Service station's DTS facilities to utilize the same emission mask to ensure accurate interference calculations. The Commission also amended the rules to require LPTV Service stations seeking to enter into an agreement to resolve interference concerns to enter into a signed written agreement that is submitted with the application and makes clear whether money or other consideration was exchanged. The *R&O* also eliminates the 30-day public notice period for displacement applications, reducing regulatory burdens for these stations and reducing the loss of service to viewers. Finally, stations filing an application for a displacement minor change will be required to include an exhibit briefly describing the basis for displacement. No changes are need to the minor change application. The *R&O* also permits LPTV/TV translator channel sharing stations seek their own independent channel by using the major modification process. Existing FCC Form 2100, Schedule F would be used for this purpose and only slight changes to the Form are anticipated.

12. The *NPRM* sought comment on the costs and benefits associated with the Commission's proposed changes to LPTV Service rules. In evaluating the record, we find that many proposals adopted in the *R&O* will not impose significant costs on LPTV Service stations because similar application and filing requirements currently exist for many stations and they are likely to be familiar with the forms and processes required for compliance. Further, where possible, the Commission exempts application fees for certain new requirements, as discussed above.[26] To the extent that the revised rules impose additional costs on small entities, such costs should be minimal and are outweighed by the benefits of the revised rules.

F. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

13. The RFA requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities…including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."[27]

14. The Commission took steps and considered several alternatives in this proceeding in order to minimize the economic impact on small entities. For example, in revising the distance relocation limits to account for the difference in miles and kilometers, stations that have lost or may lose their existing transmitter sites may seek a waiver of this requirement as suggested by commenters, so long as the station maintains contour overlap. The Commission allowed stations specifying their COL greater

[26] *See* 47 CFR § 1.1116(a).

[27] 5 U.S.C. § 604(a)(6).

flexibility to use the name of a county or commonly used name of an unincorporated area as the Station's COL, and exempts fees associated with the application to change COL for six months.[28] The Commission also declined to adopt its proposal to limit COL changes to once per year finding that the proposed limit went against the flexibility traditionally afforded to LPTV Service stations to decide where they operate without any corresponding benefit.

15. The *R&O* declined to require LPTV Service stations to specify rule-compliant call signs within 90 days of the effective date of the call sign rule and instead allowed stations to "grandfather" existing call signs that are not compliant with the LPTV or Class A call sign rule. The Commission also declined alternative call sign proposals because they would make the call sign system more confusing to the public. Additionally, Commenters suggested that requiring small LPTV stations to operate a minimum number of hours would be costly and burdensome. As such, the *R&O* declined to adopt the Commission's original proposal to require LPTV stations operate not less than 14 hours per calendar week instead deciding to adopt no minimum operating hour requirement for LPTV stations, thereby allowing the flexibility needed for small LPTV stations without traditional hours to serve their viewers.

16. The Commission also declined to adopt a proposal to limit service designation changes from LPTV to TV translator to not more than once every 12 months finding that such a limit was not necessary and could unfairly limit stations that need to make such changes for bona fide reasons. The *R&O* also declined to adopt a proposal by commenters to allow for LPTV/TV translator channel sharing stations to resume independent non-shared operation through use of the displacement process. Instead, the Commission concluded that it would permit LPTV/TV translator channel sharing stations to apply for an independent non-shared operating channel through the Commission's major modification process.

17. Finally, the *R&O* declined to adopt a number of proposals that addressed matters outside this proceeding, such as changes to LPTV Station operating power, must carry status, and renaming this service. Some of these proposals were previously rejected while others are being considered in other Commission proceedings. The remaining alternatives adopted by the Commission in the *R&O* were considered to be the least costly and/or minimally burdensome for small and other entities impacted by the rules.

G. Report to Congress

18. The Commission will send a copy of the *R&O*, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[29] In addition, the Commission will send a copy of the *R&O*, including this FRFA, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *R&O*, and this FRFA (or summaries thereof) in the *Federal Register.*[30]

[28] *See* 47 CFR § 1.1116(a).

[29] 5 U.S.C. § 801(a)(1)(A).

[30] *Id.* § 604(b).